



**TOWN OF WINCHESTER**  
**INLAND WETLANDS & WATERCOURSES COMMISSION**  
**Town of Winchester Town Hall, 338 Main Street**  
**P. Francis Hicks Room – 2nd Floor**  
**July 18, 2018 – 7:00PM**  
**Regular Meeting Minutes**

**1. CALL TO ORDER:**

Chairman Ric Nalette called the meeting to order at 7:00PM.

**2. ROLL CALL:**

Roll call was completed by Mr. Nalette. Present at the meeting in addition to Mr. Nalette were: Bob Haburey, Christine Hunter, Chris Kiely, Steve Molinelli Jackie Mulvey, and Kurt Timmeney as well as Town Planner/Wetlands Agent Steve Sadlowski.

It was noted that Russ Davenport was absent.

**3. APPROVAL OF MINUTES – June 20, 2018:**

**MOTION:** Mr. Kiely, Ms. Mulvey second, to approve the June 20, 2018 Minutes; Motion passed with Mr. Nalette, Ms. Mulvey, Mr. Kiely, Mr. Haburey, Mr. Hunter, and Mr. Timmeney voting aye while Ms. Hunter abstained.

**4. AGENDA REVIEW:**

The agenda was modified to add a *Show Cause Hearing for Scott Bachand at Tarringford Street* under Public Hearings.

**5. PUBLIC HEARINGS:**

**A. IWWC #18-13 Applicant: Town of Winchester Owner: See Project Description for Properties Impacted Location: Torrington Road (Route 800) – Lanson Drive to Willow Street (See Project Description) Proposal: 10 FT Wide Gravel Multi-use Trail Along Abandoned Railroad from Lanson Drive Extending North Toward Willow Street (+/- 2 miles).**

Mr. Nalette opened this public hearing but immediately recused himself, noting that he is the co-chairman of the Winsted Trails group in town as well as owning an interest in a property abutting the trail. Mr. Nalette exited the meeting room for the duration of the public hearing. Mr. Kiely assumed the chairman roles for the hearing.

Mr. Sadlowski read aloud the legal notice for the public hearing, noting that it had run the requisite two times, on July 6, 2018 and July 11, 2018, in the Republican American. He noted that there are six properties directly part of the trail with an additional thirty-seven properties abutting the proposed trail extension. Mr. Sadlowski explained that the original trail was designed in the early 2000s but only the lower three miles were constructed. He noted that a recent grant provides funding for an additional upper 2.05-mile portion from the current end in Winsted, extending up to the skate park near Willow Street. Mr. Sadlowski reported that Wengell, McDonnell and Costello, Inc. (WMC), the engineering firm updating the earlier drawings, will also seek permits from the local Planning and Zoning Commission, U.S. Army Corp. of Engineers, and the State of Connecticut Department of Energy and Environmental Protection (DEEP).

Michael Fanning, PE, of WMC appeared before the Commission regarding this application. Mr. Fanning reviewed the drawings with different segments of the trail being detailed on the engineered drawings. He spoke about the two bridges, with one only 100' feet from where the trail ends now. He noted that there is minimal environmental impact at that first bridge crossing with repairs planned for the abutments. With respect to the second river crossing, Mr. Fanning noted that there are existing abutments which will be removed and replaced and include a culvert dam. Mr. Fanning described how the trail will follow the Eversource right of way and the crossing of the Department of Motor Vehicle greenway which will include some impact to the wetlands. Mr. Fanning noted the grading that will be necessary further up, as the trail approaches the wetlands. The wetland impacts end very near Rowley Street, according to Mr. Fanning.

Mr. Fanning noted that there is no impact for the 100-year flood and raises the water surface to one-quarter of an inch for a 10-year flood. He noted that while FEMA does not prohibit the raising of the water level surface, a state law prohibits it. Mr. Fanning noted that a waiver can be granted by the State of Connecticut. He noted that there have already been several meetings.

Mr. Fanning noted that the wetlands were reflagged this past Spring with several minor changes noted. It was noted that bidding for the project may begin in late Fall/early Winter with construction during next year's construction season. He explained that there is not much to do construction-wise but to grade out the trail and install the surface on it.

Mr. Fanning reported that the wetland impact is .36 acre and the watercourse impact is .13 acre for a total of .49 acre. He explained that an impact of over .5 acre would necessitate a permit from the U.S. Army Corp. of Engineers, raising the stakes in terms of mitigation. In excavating, approximately .12 acres of wetlands can be restored. The total area within the regulated area of this commission was noted as being 2.5 acres, according to Mr. Fanning.

Mr. Sadlowski reminded the Commission that much of the trail is outside of their review as it is property owned by the State and would therefore be under the jurisdiction of DEEP.

The hearing was open to the public for comment.

Rista Malanca, a town resident and Inland Wetlands Officer for the City of Torrington, spoke in favor of the application. She provided specifics relative to the future expansion plans for this trail as well as figures regarding use of the trail. Ms. Malanca also remarked about the cleanliness of the trail especially compared to adjacent areas and the benefit that might be derived from installing the trail near the wetlands in this respect.

Mr. Molinelli questioned whether there are any additional parking areas included as part of this plan. Mr. Fanning indicated that there is no new parking planned for this extension.

**MOTION:** Ms. Mulvey, Mr. Molinelli second, to close the public hearing on IWWC #18-13 Torrington Road (Route 800) – Lanson Drive to Willow Street; Motion passed with Ms. Hunter, Mr. Haburey, Mr. Kiely, Mr. Molinelli, Ms. Mulvey, and Mr. Timmeney voting aye.

Mr. Nalette rejoined the Commission at 7:36PM and resumed his role as Chairman.

#### **B. Show Cause Hearing – Scott Bachand – Torrington Street.**

Mr. Sadlowski passed around the Cease and Desist file for commissioners to review regarding this 65-acre parcel on Torrington Street. He noted that complaints had been received from neighbors regarding heavy truck traffic stemming from this property and had visited the site with fellow Zoning Enforcement Officer Marc Melanson. Mr. Sadlowski noted that a new pond was being dug, further into the property. He noted that two had been permitted but that this one was much further in. Mr. Sadlowski explained that an order to cease this recent activity had been issued to the owner of the property but that it had not reached the owner. He explained that the order was to stop digging in this pond area because it had not been permitted and the outlet on one of the area flows into the wetlands. Mr. Sadlowski noted that the other area that was permitted is stabilized with no activity being done. Mr. Sadlowski explained that he had delayed in processing this as he was expecting plans from Mr. Bachand but in speaking with the engineer, he was advised the engineer was not currently preparing any plans. He reported that he hand-delivered the Order to Mr. Bachand on this past Monday.

Mr. Haburey questioned the number of Orders that have been issued on this property. Mr. Sadlowski recollected three.

Scott Bachand, the operator of the site, appeared before the Commission. He opined that he was not working within wetlands and therefore, did not believe that he needed approval for his activity. Mr. Bachand described the site that he was currently working at to be on a cliff base, solid rock, and void of topsoil. He insisted that the area was not wetlands. Mr. Bachand noted that the hole he has dug has no water coming in nor flowing out.

Mr. Bachand reported that he has already complained to Mr. Sadlowski about neighboring properties. He noted that the pond that has been permitted and dug out, nearer the road at the site, has discolored liquid and what he characterized as contaminated seepage, flowing out and must be a result of spoils that the landscaper neighbor has buried. Mr. Bachand pointed out on a map the location. Mr. Nalette advised Mr. Bachand to formally complain to Mr. Sadlowski during his

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regular office hours. Mr. Bachand insisted that he already has. Later in the hearing, Mr. Nalette advised Mr. Bachand to formalize his complaint by putting it in writing.

Mr. Bachand invited the Commission to visit the site to witness the location where the work is being done, reiterating his opinion that he is not in violation and is not disturbing wetlands. Mr. Haburey questioned how much material is being moved from this site. Mr. Bachand noted that the material he is removing from the pond is being used for a road up to the back of the site. Mr. Haburey questioned whether anything is being moved off-site. Mr. Bachand explained that anything he can get rid of as far as boulders or rocks is being trucked out. Mr. Haburey questioned whether any top soil has been sold. Mr. Bachand confirmed. Mr. Haburey questioned whether a permit was needed. Mr. Sadlowski noted that up to 500 yards per year would not require a permit. Mr. Bachand explained that if he had a building permit, no other permit would be required. He noted that the recent construction of Henny Penny removed 6,000 to 7,000 yards of material merely as part of a building permit.

Mr. Sadlowski clarified Mr. Nalette's comments regarding what has been issued on this property relative to orders thus far. He noted that he will be sending a Cease and Desist Order/Show Cause Hearing for wetlands for marshal service on the owner, Stephen Chomak, as he did not receive the first one via certified mail.

Mr. Nalette questioned whether Mr. Bachand has ceased work on this property. Mr. Bachand confirmed that he has in this area.

Mr. Nalette questioned whether Mr. Bachand had consulted with his engineer as noted in the Order from Mr. Sadlowski. Mr. Bachand indicated he had but that a report was not prepared. Mr. Nalette questioned whether silt fence had been installed. Mr. Bachand noted that it had not but that he would get some fence up there.

Mr. Haburey questioned whether Mr. Bachand was supposed to come before this commission for each new section of the property undertaken. Mr. Sadlowski confirmed. Mr. Bachand noted that there were no wetlands where he was working. Mr. Nalette noted that the determination is made by the Town.

Mr. Nalette questioned Mr. Sadlowski regarding the options for this Commission. Mr. Sadlowski recommended upholding his Order and allow it to go for a period until Mr. Bachand can get his engineer on site. Mr. Sadlowski suggested that if that does not happen, the Commission can order other things. Mr. Nalette queried Mr. Bachand for a recommendation for a time frame.

**MOTION:** Mr. Nalette, Mr. Molinelli second, that the Inland Wetlands and Watercourses Commission uphold the Cease and Desist and Restore Order, dated July 13, 2018 imposed on Mr. Scott Bachand, Operator for the Tarringford Street property, Map 045, Block 158, Lot 008B for excavating without permits; unanimously approved.

With the preceding motion, Mr. Nalette had originally included the owner, Stephen M. Chomak, but Mr. Sadlowski advised that he should technically not be included as he has not received his order yet. Mr. Sadlowski suggested that a Show Cause Hearing could be taken at the next meeting for Mr. Chomak.

After Mr. Bachand noted that sixty days ought to be sufficient time for his engineer to complete his work, consensus of the Commission was that Mr. Bachand will meet with Mr. Sadlowski to work out what will be required as part of the permitting process and return before this commission in two months.

**MOTION:** Mr. Nalette, Mr. Kiely second, to close the Show Cause Hearing in the matter of Scott Bachand – Tarringford Street; unanimously approved.

The commission adjourned to a five-minute recess at 8:11PM. They reconvened at 8:15PM.

**6. OLD BUSINESS:**

Mr. Nalette reported receiving a request from Charles Morniere to move up his application ahead of the Town of Winchester application and Edinburgh Properties application. It was also later agreed to take up the Loureiro application ahead of the Town of Winchester and Edinburgh Properties. The agenda was adjusted accordingly.

**A. IWWC #18-16 Applicant/Owner: Charles Morniere Location: 257 Colebrook Road Proposal: Re-Surfacing/Re-Grading of Existing Unpaved Driveway in Close Proximity to Stream.**

Mr. Morniere appeared before this Commission reminding them that he was supposed to have provided additional maps and was unable to do so as he had been out west working and has only just returned. Mr. Sadlowski reported that he had just received a check for the application fee from Mr. Morniere.

**MOTION:** Mr. Nalette, Mr. Molinelli second, to continue this application to the next regular meeting; unanimously approved.

After the preceding motion but before the vote, Mr. Kiely questioned whether the driveway at this location has been stabilized. Mr. Morniere noted that it was already stabilized.

**B. IWWC #18-17 Applicant/Owner: Jeffrey J. Loureiro Location: 212 Perch Rock Trail Proposal: Reconstruct Existing House on Existing Foundation.**

Jeffrey Loureiro appeared before the Commission regarding this application. Mr. Nalette noted that the Commission had not sought any additional information at last month's meeting. However, Mr. Loureiro submitted a revised drawing, noting that a surveyor had updated the plan and reminded them that he was adding a rain garden.

**MOTION:** Mr. Nalette, Mr. Kiely second, to IWWC #18-17 Applicant/Owner: Jeffrey J. Loureiro Location: 212 Perch Rock Trail Proposal: Reconstruct Existing House on Existing Foundation, based on oral and written testimony. Conditions 1-12 are standard Inland Wetland Commission Conditions and the following additional conditions determined by the Inland Wetlands Commission.

1. The permittee shall notify the Inland Wetlands Enforcement Officer immediately upon the commencement of work and upon its completion.
2. If the authorized activity is not completed within five years from the issuance date of July 18, 2018 said activity shall cease and, if not previously revoked or specifically renewed or extended, this permit shall be null and void. Any request to renew or extend the expiration date of a permit should be filed in accordance with the Inland Wetlands Regulations of the Town of Winchester. Expired permits may not be renewed and the Inland Wetlands Commission may require a new application for regulated activities.
3. All work and all regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this permit. A copy of the permit and plans shall be on site at all times. Any structures, excavation, fill, obstructions, encroachments, or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension or revocation.
4. This authorization is not transferable without the written consent of the Inland Wetlands Commission.
5. In evaluating this application, the Inland Wetlands Commission has relied on information provided by the applicant. If such information is subsequently proved to be false, incomplete, or misleading, this permit may be modified, suspended, or revoked and the permittee may be subject to any other remedies or penalties provided by law.
6. The permittee shall employ the best management practices, consistent with the terms and conditions of this permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands or watercourses. Permittee will provide a copy of approved plans to contractor which shall stay on site and be available for review or inspection during the duration of work. For information and technical assistance, contact the Wetlands Enforcement Officer. The permittee shall immediately inform the Commission of any problems involving the wetlands or watercourses that have developed in the course of, or that are caused by, the authorized work.
7. No equipment or material including without limitation, fill construction materials, or debris, shall be deposited, placed or stored in any wetland or watercourse on or off site unless specifically authorized by this permit.
8. This permit is subject to and does not derogate any rights or powers of the Town of Winchester, conveys no property rights or exclusive privileges, and is subject to all public and private rights to all applicable federal, state and local laws. In conducting and maintaining any activities authorized herein, the permittee may not cause pollution, impairment, or destruction of the inland wetlands and watercourses of Winchester.
9. If the activity authorized by the inland wetlands permit also involves activity or a project that requires zoning of subdivision approval, special permit, variance, or special exception, no work pursuant to the wetlands permit may begin until such approval is obtained.

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10. The permittee shall maintain sediment and erosion controls at the site in such operable conditions as to prevent the pollution of wetlands and watercourses. Said controls are to be inspected by the permittee for deficiencies at least once per week and immediately after rains. The permittee shall correct any such deficiencies within 24 hours of said deficiency being found. The permittee shall maintain such control measures until all areas of disturbed soils at the site are stabilized.
11. The permittee, contractor and/or owner shall conduct all operations at the site in full compliance with this permit, to the extent provided by law, may be held liable for any violations of the terms and conditions of this permit and are responsible for any violation they may have created.
12. Wetland flagging to stay in place during the construction process. Missing flags to be replaced upon the Wetland Agent's request if required for inspection or enforcement.
13. Cash erosion and sedimentation bond of \$500 will be submitted to the Inland Wetlands office.
14. Location of propane tank may be adjusted to allow access. New position to be approved by Steve Sadlowski.  
*Unanimously approved.*

Mr. Nalette recused himself from the following application for reasons previously cited. He left the room at 8:21PM. Mr. Kiley assumed the role of Chairman for this application.

**C. IWWC #18-13 Applicant: Town of Winchester Owner: See Project Description for Properties Impacted Location: Torrington Road (Route 800) – Lanson Drive to Willow Street (See Project Description) Proposal: 10 FT Wide Gravel Multi-use Trail Along Abandoned Railroad from Lanson Drive Extending North Toward Willow Street (+/- 2 miles).**

The Commission questioned whether the easements have all been secured. Relative to the wetlands area, Mr. Sadlowski noted that DEEP has to give the Town a license for the area owned by the State and Eversource also will need to give a license. He explained that they are going to provide it but that the process takes forever. Mr. Sadlowski noted that an additional small triangular piece is owned by Stephanie Halski. He noted that this easement has already been secured. The only other easements needed are from Rhoades, Lippincott and Noad but are outside the wetlands, according to Mr. Sadlowski. He noted that if those easements are not received, that area will become a sidewalk in the State right of way.

Mr. Sadlowski reminded the Commission that with respect to other feasible and prudent alternatives, they heard testimony from the design engineer regarding their planning and thought given to the areas where there are impacts, including lowering the trail and changes to designs of the bridges.

**MOTION:** Mr. Kiely, Mr. Molinelli second, to approve Application IWWC#18-13 Applicant: Town of Winchester Owner: See Project Description for Properties Impacted Location: Torrington Road (Route 800) – Lanson Drive to Willow Street, based on oral and written testimony.

Conditions 1-12 are standard Inland Wetland Commission Conditions and the following additional conditions determined by the Inland Wetlands Commission.

1. The permittee shall notify the Inland Wetlands Enforcement Officer immediately upon the commencement of work and upon its completion.
2. If the authorized activity is not completed within five years from the issuance date of July 18, 2018 said activity shall cease and, if not previously revoked or specifically renewed or extended, this permit shall be null and void. Any request to renew or extend the expiration date of a permit should be filed in accordance with the Inland Wetlands Regulations of the Town of Winchester. Expired permits may not be renewed and the Inland Wetlands Commission may require a new application for regulated activities.
3. All work and all regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this permit. A copy of the permit and plans shall be on site at all times. Any structures, excavation, fill, obstructions, encroachments, or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension or revocation.
4. This authorization is not transferable without the written consent of the Inland Wetlands Commission.
5. In evaluating this application, the Inland Wetlands Commission has relied on information provided by the applicant. If such information is subsequently proved to be false, incomplete, or misleading, this permit may be modified, suspended, or revoked and the permittee may be subject to any other remedies or penalties provided by law.
6. The permittee shall employ the best management practices, consistent with the terms and conditions of this permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands or watercourses. Permittee will provide a copy of approved plans to contractor which shall stay on site and be available for review or inspection during the duration of work. For information and technical assistance, contact the Wetlands Enforcement Officer. The permittee shall immediately inform the Commission of any problems involving the wetlands or watercourses that have developed in the course of, or that are caused by, the

authorized work.

7. No equipment or material including without limitation, fill construction materials, or debris, shall be deposited, placed or stored in any wetland or watercourse on or off site unless specifically authorized by this permit.
8. This permit is subject to and does not derogate any rights or powers of the Town of Winchester, conveys no property rights or exclusive privileges, and is subject to all public and private rights to all applicable federal, state and local laws. In conducting and maintaining any activities authorized herein, the permittee may not cause pollution, impairment, or destruction of the inland wetlands and watercourses of Winchester.
9. If the activity authorized by the inland wetlands permit also involves activity or a project that requires zoning of subdivision approval, special permit, variance, or special exception, no work pursuant to the wetlands permit may begin until such approval is obtained.
10. The permittee shall maintain sediment and erosion controls at the site in such operable conditions as to prevent the pollution of wetlands and watercourses. Said controls are to be inspected by the permittee for deficiencies at least once per week and immediately after rains. The permittee shall correct any such deficiencies within 24 hours of said deficiency being found. The permittee shall maintain such control measures until all areas of disturbed soils at the site are stabilized.
11. The permittee, contractor and/or owner shall conduct all operations at the site in full compliance with this permit, to the extent provided by law, may be held liable for any violations of the terms and conditions of this permit and are responsible for any violation they may have created.
12. Wetland flagging to stay in place during the construction process. Missing flags to be replaced upon the Wetland Agent's request if required for inspection or enforcement.
13. Cash erosion and sedimentation bond of \$5,000.00 will be submitted to the Inland Wetlands office.

*Unanimously approved.*

Mr. Nalette rejoined the Commission at 8:42PM and resumed the role as Chairman.

**D. IWWC #18-14 Applicant/Owner: Edinburgh Properties Location: 302 East Wakefield Boulevard Proposal: Pressure-Treated Wood 6'x5' Dock.**

Mr. Nalette reported receipt of a letter from Howd, Lavieri, & Finch on behalf of Bob and Jennifer Leach requesting a public hearing on this application. He noted that the request was not received within the required time frame nor was there an adequate number of signatures. However, Mr. Nalette opined that a public hearing ought to be scheduled to allow the opinions of the neighbors to be heard.

**MOTION:** Mr. Nalette, Mr. Molinelli second, to comply with the request of Howd, Lavieri & Finch to schedule a public hearing on this application; Motion failed with Mr. Nalette and Mr. Haburey voting aye while Mr. Kiely, Ms. Mulvey, Mr. Molinelli, and Mr. Timmeney were opposed. Ms. Hunter abstained.

Following the preceding motion but prior to the vote, Mr. Molinelli questioned why the Commission should consider scheduling a public hearing after the time frame to request one had lapsed. He disagreed with the notion. Mr. Nalette opined that public relations are important which is why he was in favor of honoring the request. Ms. Mulvey noted that there had already been a public hearing for the previous application by this applicant for a dock request and that the neighbors had already been heard previously. Mr. Timmeney agreed.

**MOTION:** Mr. Molinelli, Mr. Timmeney second, to approve Application IWWC #18-14 Applicant/Owner: Edinburgh Properties Location: 302 East Wakefield Boulevard Proposal: Pressure-Treated Wood 6'x5'x3' Dock as per the submitted plans, based on oral and written testimony.

Conditions 1-12 are standard Inland Wetland Commission Conditions and the following additional conditions determined by the Inland Wetlands Commission.

1. The permittee shall notify the Inland Wetlands Enforcement Officer immediately upon the commencement of work and upon its completion.
2. If the authorized activity is not completed within five years from the issuance date of July 18, 2018 said activity shall cease and, if not previously revoked or specifically renewed or extended, this permit shall be null and void. Any request to renew or extend the expiration date of a permit should be filed in accordance with the Inland Wetlands Regulations of the Town of Winchester. Expired permits may not be renewed and the Inland Wetlands Commission may require a new application for regulated activities.
3. All work and all regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this permit. A copy of the permit and plans shall be on site at all times. Any structures, excavation, fill, obstructions, encroachments, or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension or revocation.

4. This authorization is not transferable without the written consent of the Inland Wetlands Commission.
5. In evaluating this application, the Inland Wetlands Commission has relied on information provided by the applicant. If such information is subsequently proved to be false, incomplete, or misleading, this permit may be modified, suspended, or revoked and the permittee may be subject to any other remedies or penalties provided by law.
6. The permittee shall employ the best management practices, consistent with the terms and conditions of this permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands or watercourses. Permittee will provide a copy of approved plans to contractor which shall stay on site and be available for review or inspection during the duration of work. For information and technical assistance, contact the Wetlands Enforcement Officer. The permittee shall immediately inform the Commission of any problems involving the wetlands or watercourses that have developed in the course of, or that are caused by, the authorized work.
7. No equipment or material including without limitation, fill construction materials, or debris, shall be deposited, placed or stored in any wetland or watercourse on or off site unless specifically authorized by this permit.
8. This permit is subject to and does not derogate any rights or powers of the Town of Winchester, conveys no property rights or exclusive privileges, and is subject to all public and private rights to all applicable federal, state and local laws. In conducting and maintaining any activities authorized herein, the permittee may not cause pollution, impairment, or destruction of the inland wetlands and watercourses of Winchester.
9. If the activity authorized by the inland wetlands permit also involves activity or a project that requires zoning of subdivision approval, special permit, variance, or special exception, no work pursuant to the wetlands permit may begin until such approval is obtained.
10. The permittee shall maintain sediment and erosion controls at the site in such operable conditions as to prevent the pollution of wetlands and watercourses. Said controls are to be inspected by the permittee for deficiencies at least once per week and immediately after rains. The permittee shall correct any such deficiencies within 24 hours of said deficiency being found. The permittee shall maintain such control measures until all areas of disturbed soils at the site are stabilized.
11. The permittee, contractor and/or owner shall conduct all operations at the site in full compliance with this permit, to the extent provided by law, may be held liable for any violations of the terms and conditions of this permit and are responsible for any violation they may have created.
12. Wetland flagging to stay in place during the construction process. Missing flags to be replaced upon the Wetland Agent's request if required for inspection or enforcement.

*Motion approved with Mr. Haburey, Mr. Kiely, Mr. Molinelli, Ms. Mulvey, and Mr. Timmeney voting aye while Mr. Nalette was opposed. Ms. Hunter abstained.*

## **7. AGENT ACTIONS:**

### **A. Determinations.**

None.

### **B. Warnings/Violations.**

#### **i. 112 Shore Drive.**

Mr. Sadlowski confirmed that an Order had been sent to the property owner previously. He noted that Mr. Simon had been in and talked with him but has not yet submitted an application. Mr. Sadlowski explained that Mr. Simon had replaced the boards on his dock but made it larger at the end.

#### **ii. 304 East Wakefield Boulevard.**

Mr. Sadlowski confirmed that an Order had been sent to the property previously. He reported that Mr. Daigle had been in and talked with him and has submitted an application. Mr. Sadlowski noted that he needs to bring in more copies and more plans.

#### **iii. 348 East Wakefield Boulevard.**

Mr. Sadlowski confirmed that an Order had been sent to the property owner previously. He reported that Mr. Leach had been in and talked with him but had not yet submitted an application. Mr. Sadlowski noted that the Leach's are on vacation but expects that they will be at the next meeting.

Mr. Molinelli questioned what can be done if applications are not received on these violations. Mr. Sadlowski noted that fines can be levied.

#### **iv. Tarringford Street.**

It was noted that discussion on this violation had already occurred previously in the Show Cause Hearing.

**vi. 827 East Wakefield Boulevard.**

Mr. Sadlowski noted that this lot has grass beginning to come in and deemed this site stabilized.

**8. COMMUNICATIONS AND BILLS:**

None.

**9. OTHER BUSINESS:**

The agenda was modified to add *John Noone – Informal Discussion Regarding Cleaning Rivers in order to be Navigable* under Other Business.

**A. John Noone – Informal Discussion Regarding Cleaning Rivers in order to be Navigable.**

John Noone appeared before the Commission explaining that he is a resident and has an interest in cleaning the town's rivers to make them navigable. Mr. Nalette explained that there are regulatory issues which would prohibit moving rocks or digging holes to make the water body deeper. Additionally, Mr. Nalette noted that there are benefits to "tree falls" to the wetlands and the Commission would not likely want him to clean out every single tree fall. He explained that until there is an application, the Commission would be unable to make any engineering recommendations. Mr. Nalette explained that cleaning the riverbed or river area near a neighbor would fall under the purview of DEEP.

**B. Catch Basin Maintenance Schedule Update.**

Mr. Molinelli recalled that the last discussion on this was over the winter and that a suggestion had been made to form a committee. Mr. Kiely reminded the Commission that Department of Public Works Director Jim Rollins had attended the following meeting and had been responsive to the assistance offered by this group. Mr. Nalette recalled that the committee had been waiting for a GIS survey delineating the location of the existing catch basins and then a survey of which of these were worst. Mr. Sadlowski noted that the survey has now been done.

Mr. Molinelli requested that this item be included in future agendas so that it is not forgotten and receives follow-up.

**10. ADJOURN:**

**MOTION:** Mr. Nalette, Mr. Molinelli second, to adjourn at 9:15PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie**  
Recording Clerk