



TOWN OF WINCHESTER
INLAND WETLANDS & WATERCOURSES COMMISSION
Town of Winchester Town Hall, 338 Main Street
P. Francis Hicks Room – 2nd Floor
June 21, 2017 – 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: Ms. Jackie Mulvey, Mr. Chris Kiely, Mr. Russell Davenport, Mr. Steve Molinelli and Town Planner/Wetlands Agent Steve Sadlowski.

Absent excused was Mr. Gene Berlinski and Mr. Matt Closson. It was noted that Mr. Bob Haburey was absent.

3. APPROVAL OF MINUTES – MAY 19, 2017:

MOTION: Mr. Kiely, Ms. Mulvey second, to approve the May 19, 2017 Minutes; unanimously approved.

4. AGENDA REVIEW:

The agenda was modified to move the discussion of the Dock and Mooring Ordinance to the end of the agenda.

5. OTHER BUSINESS:

A. Proposed Bubbler Ordinance – Limnologist Mark June-Wells, Ph.D.

Limnologist Mark June-Wells, Ph.D., of Aquatic Ecosystem Research, appeared before the Commission to review a memo regarding aeration systems and their deployment in lake systems. In summary, Dr. Wells opined that the use of aeration systems during the winter in Highland Lake poses very little risk to the lake ecology.

MOTION: Mr. Nalette, Mr. Kiely second, to table discussion of the proposed Bubbler Ordinance until next month; unanimously approved.

It was noted that a copy of the sample regulation should be included in next month's packages.

Discussion of the Dock and Mooring Ordinance was moved to the end of the agenda.

6. OLD BUSINESS:

A. IWWC #17-12 Owner: JAMORI LLC Applicant: ERM Consulting & Engineering, Inc. Location: 170 Lake Street Proposal: To Excavate Petroleum – and Metal-impacted soil from four locations on the property. Total volume to be excavated is approximately 150 cubic yards. Excavated areas to be filled with certified clean fill and existing site materials as appropriate.

MOTION: Mr. Davenport, Mr. Kiely second, to approve Application IWWC#17-12 To Excavate Petroleum – and Metal-impacted soil from three locations on the property. Total volume to be excavated is approximately 150 cubic yards. Excavated areas to be filled with certified clean fill and existing site materials as appropriate. 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 June 21, 2017, 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 deficiencies 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. Applicant to contact Department of Public Works prior to excavation of Area C to ensure gate valve is closed; unanimously approved.

7. NEW BUSINESS:

A. IWWC#17-13 Owner: Cannavo Development, LLC Applicant: Cannavo Development, LLC Location Torrington Road Proposal: Construct 4750 Square Foot Office Building with Associated Site Improvements.

Richard Calkins, PE, of Northeast Consulting, appeared before the Commission regarding this application. He explained that there is an intermittent water course on the northerly section of the property. He noted the area of the 100' setback area and indicated that the proposed work is downhill from the stream. Mr. Calkins noted that the property contains a 2:1 slope. He indicated the areas that the sediment erosion control silt fence will be installed. He noted that the septic system will likely be in the front of the building. Mr. Calkins noted that the Still River is on the other side of the road and that any impact would not be from this development. He noted that this project will not affect the amount of runoff from the stream. Mr. Calkins reported that there is deep sand present as well as good quality bank run gravel. The catch basins that exist on the site were discussed. Mr. Calkins noted that they would take at least the first inch of runoff. He noted that the proposal includes a landscaping plan.

In response to a request from Mr. Molinelli, Mr. Calkins agreed to have the location of the Still River called out for the next meeting. Mr. Calkins noted that he has not completed cut/fill calculations yet for the site but that they will likely be over 500 yards.

MOTION: Mr. Davenport, Mr. Kiely second, to accept Application IWWC#17-053 Owner: Cannavo Development, LLC Applicant: Cannavo Development, LLC Location Torrington Road Proposal: Construct 4750 Square Foot Office Building with Associated Site Improvements; unanimously approved.

B. IWWC#17-05 (Mod) Owner: BNJ Real Estate LLC Applicant: Donald LaPointe Location: 290 Colebrook Road Proposal: Modify Existing Site Plan, Move Driveway to Side of House & to Move House.

Donald LaPointe appeared before the Commission regarding this application. He explained that his house plans included the garage to be located on the side. He explained that the original site plan included a 32'x60' however his proposed house now is 32'x50'. Mr. LaPointe explained that subsequent to his approvals, he purchased from his neighbor approximately 10000 square feet to the north which thereby allowed him to move his home fifteen (15') feet. Mr. Sadlowski pointed out that the pull-offs from the driveway previously approved have been eliminated, thereby reducing the impact to the wetlands.

MOTION: Mr. Kiely, Mr. Davenport second, to approve Application IWWC#17-05 (Mod) Owner: BNJ Real Estate LLC Applicant: Donald LaPointe Location: 290 Colebrook Road Proposal: Modify Existing Site Plan, Move Driveway to Side of House & to Move House. Based on oral and written testimony:

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 June 21, 2017, 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 deficiencies 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 per previous approval will be submitted to the Inland Wetlands office; unanimously approved.

C. IWWC#17-14 Owner: Able Sentry Limited Applicant: Able Sentry Limited Location: 728 Lake Drive Proposal: Install a Suction Line into the Lake for the Purpose of Using Lake Water for an Irrigation System.

Bryan Southergill, identifying as the owner of both 728 Lake Drive as well as 730 Lake Drive, accompanied by Anderson Turf Irrigation President Curtis Anderson, appeared before the Commission regarding this application. Mr. Anderson explained that the property to be irrigated is 730 Lake Drive but the suction line will be installed on 728 Lake Drive. He explained that the foot valve will be installed under the residence of 728 Lake Drive, will run through the lawn, over the wall, and then under the dock. He reviewed the plans included in the application. The depth of the lake at the location is four to five feet.

Usage was reviewed and discussed. Inquiry was made as to whether the applicant plans to use fertilizers. He indicated that he does not. Mr. Davenport questioned whether the irrigation company services many of these types of systems on the lake. Mr. Anderson indicated that his company services one on a very small parcel that utilizes city water and services an additional one that uses a centrifugal pump using water from the lake. Mr. Sadlowski questioned whether there is a "smart" function with the system so as to eliminate irrigating when conditions are rainy. Mr. Anderson noted that the State of Connecticut does indeed require a rain sensor.

Mr. Nalette shared his concern with the use being permitted on one property for the benefit of the other property. Mr. Anderson explained that it was cheaper and easier to install the system on 728 Lake Drive.

MOTION: Ms. Mulvey, Mr. Molinelli second, to accept Application IWWC#17-14 Owner: Able Sentry Limited Applicant: Able Sentry Limited Location: 728 Lake Drive Proposal: Install a Suction Line into the Lake for the Purpose of Using Lake Water for an Irrigation System, deeming the activity to be non-significant; unanimously approved.

D. IWWC#17-15 Owner: Win Lake Holdings, LLC Applicant: Emily Kroenlein & Robert Schlein Location: 728 Lake Drive Proposal: Permit Modification – Remove House and Pool from Regulated Area, Add 15' x 20' Boathouse on piers to Regulated Area. Reduce permanent wetland impact from 10,500 sf to 300 sf.

Ken Hrica, PE, of Hrica Associates, appeared before the Commission regarding this application. He explained that the portion of the proposal indicating that there will be a reduction in "...permanent wetland impact from 10,500 square feet to 300 square feet..." is incorrect. He noted that there will be no impact to wetlands and that it should reflect "regulated area impact". He noted that there was a 2004 permit issued to the original developer and while the driveway in that permit was built, the house and the pool were not. Mr. Hrica reviewed the subsequent subdivision and history behind this site. He reviewed the current proposal that included changing the locations of the house and the pool. He noted that the piers for the proposed boathouse would be dug by hand.

Mr. Hrica described the pull-offs on the driveway. He then also described the construction of the boathouse.

Mr. Hrica requested that the permit also be transferred to the new owner. Mr. Nalette noted that the permits are non-transferrable. Mr. Sadlowski explained that many towns do this as a modification as the plans are basically the same and are from the same engineer. It was noted that page 17 of the Regulations address this question in that "...no permit issued by the agency shall be assigned or transferred without the written permission of the agency...".

MOTION: Mr. Nalette, Mr. Molinelli second, to approve Application IWC#17-15 (Mod IWC#13-2) Permit Modification - Remove House and Pool from Regulated Area, Add 15' x 20' Boathouse on piers to Regulated Area. Reduce permanent wetland impact from 10,500 square feet to 300 square feet. Transfer of Permit IWC#13-2 is hereby transferred to new owners, Emily Kroenlein and Robert Schlein. Based on oral and written testimony:

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 June 21, 2017, 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 deficiencies 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. No erosion and sedimentation bond is necessary; unanimously approved.

8. AGENT ACTIONS:

A. Determinations.

None.

B. Warnings/Violations.

Mr. Sadlowski explained that there is a dock on East Wakefield Boulevard, near Perch Rock Trail, that he is reviewing. Mr. Kiely explained that this dock is being expanded from four (4') feet to six (6') feet. Mr. Sadlowski questioned whether a dock replacement required a separate application. The Commission discussed this, noting that replacing exactly what is there but changing the size does.

9. COMMUNICATIONS AND BILLS:

Mr. Nalette reported that a memo from the Town Manager was received containing a request to review existing bylaws and relative ordinances and consider whether any changes or updates are necessary. It was noted that the changes are requested by June 30, 2017.

The number of members and alternates, and how that factors into having a quorum, was discussed. Mr. Nalette explained why he was opposed to having designated alternates, opining that all members should have the ability to vote.

10. OTHER BUSINESS:

B. Dock and Mooring Ordinance – Attorney Kevin Nelligan.

Mr. Nalette reported having a conversation with Attorney Kevin Nelligan this date. Attorney Nelligan had indicated that a draft of the Dock and Mooring Ordinance that he had reviewed for the town a year ago and was waiting to hear from the Department of Energy and Environmental Protection but had never received a reply. Discussion followed. It was noted that Attorney Nelligan had indicated to Mr. Nalette that this language was appropriate for what the Commission was seeking to accomplish.

MOTION: Mr. Nalette, Ms. Mulvey second, to recommend and forward to the Board of Selectmen the revisions made to *Ordinance Section 162 Docks, Swim Floats, Boat Lifts, Walkways, Personal Watercraft Lift/Floats, Mooring Buoys and Markers at Public Bodies of Water Within the Town of Winchester*, as recommended by the Inland Wetlands Subcommittee in October, 2015 and reviewed by Attorney Kevin Nelligan in January, 2016; unanimously approved.

11. ADJOURN:

MOTION: Mr. Nalette, Mr. Kiely second, **to adjourn at 9:21PM; unanimously approved.**

Respectfully submitted,

Pamela A. Colombie
Recording Clerk