

CHESTER
Town of Winchester
INLAND WETLAND & WATERCOURSES COMMISSION

August 15th, 2012

7:00 PM, P. Francis Hicks Room, 2nd Floor, Town Hall

338 Main Street, Winsted, CT 06098

FILED
CLERK'S OFFICE

SEP 12 2012

SHEILA S. SEDLACK
CLERK OF WINCHESTER
WINSTED, CONN.

Minutes

The meeting was called to order by Chairman C. Waring. The following members answered roll call: Jackie Mulvey, Sue Peacock, Jim Rollins Jr, S. Molinelli, Chris Kiely and Scott Eisenlohr, Inland Wetland Agent. Robert Haburey Jr (absent), M. Delaney (absent).

3. **Approval of Minutes 7/18/12**

Motion: by R. Nalette Jr to approve minutes of 7/18/12, second by J. Rollins Jr, one abstained C. Waring. **Vote:** all in favor-*Motion carries.*

4. **Agenda Review**

- S. Eisenlohr-Item 8B-Winchester Park Pond-they would like to add sand to the beach area.
- S. Eisenlohr-Item 11F-Paving within a regulated area
- S. Eisenlohr-Item 11G-Commerical Renting of Boat Slips

5. **Old Business**

A. **Application IWC 12-28**

Applicant: Matthew Closson

Location: 722 Lake Drive

Map: 038, Blk: 035, Lot: 107 Zone: HLD

Proposal: Demo house, new foundation, rebuild existing seawall & pier, install boatlift, and drill new well.

- Applicant M. Closson present-we would like to ask for a 35 day extension, we are waiting on a couple of things from ZBA. Provided a letter from the homeowner requesting the extension. New maps provided.
- C. Waring-time table reviewed, tonight would have been a decision night unless we received the extension request.
- S. Peacock-what are the differences in the maps.
- M. Closson-the topography was added, discharge for the footing drains, grading, the littoral boundary lines, size of the boat lift. A sketch of the wall that will be done which won't be done until the deep draw down.
- S. Peacock-you are building the waterfront wall with the existing material that is already there with possibly having to bring some more in.
- M. Closson-yes there is a possibility of having to bring in more stone.

- M. Closson-explanation regarding sewer pump, valve and lateral given according to Torrington Area Health guidelines. Grinder pump has to be at a 75 foot distance away from the well and all other neighboring wells and 25 feet from a sewer valve or lateral.
- J. Rollins Jr-are there elevations of cellar floor and garage floor.
- M. Closson-the cellar floor is 886, it is about 3 ½ feet above the high water mark.
- J. Rollins-you will be providing a detailed plan for the pier as well?
- M. Closson-the architect will be submitting that, it will be a stone construction.
- S. Peacock-how much of the back yard is the proposed gravel drive.
- M. Closson-on one side it average out to be about 15x20, one side is about 60 feet and the other side is about 40 feet and approximately 20 feet wide.
- J. Rollins Jr-plan calls for 36% pervious surface.
- J. Rollins Jr-the walkway that goes down to the stairs in the lake, is there anything planned for back there or it just going to be lawn.
- M. Closson-just lawn
- J. Rollins Jr-what is the actual phase of the construction site, will the garage be done after the house foundation.
- M. Closson-we are going to do all of it at the same time, all the material will be hauled offsite.
- S. Peacock-would like to see plantings behind the retaining wall.

Motion: by J. Nalette Jr to **Table Application IWC 12-28 Applicant:** Matthew Closson, Location: 722 Lake Drive, Map: 038, Blk: 035, Lot: 107 Zone: HLD, Proposal: Demo house, new foundation, rebuild existing seawall & pier, install boatlift, and drill new well and based on applicants request for a 35 day extension based on PZC approval, second by J. Rollins Jr.
Vote-all in favor-*Motion carries unanimously.*

B. Application IWC 12-30 – PUBLIC HEARING set for September
Applicant: Margaret Ziolkowski
Location: 716 W Wakefield Blvd
Map: 038, Blk: 113, Lot 002, Zone: HLD
Proposal: retaining wall for ease of access with walkway.

- S. Eisenlohr-the applicant sent this for outside review to his neighbors because we talked about a public hearing, there are several people here. It wasn't legally advertised by the Town, they have at least \$4,000 already vested in plans and doesn't understand why the commission wants to send it out when it cost to have it reviewed.
- Applicant-he is opposed to having someone else look at it, he has already put \$4000 into it and essentially we are no further than when we came in the first day. We don't think we shoulder the cost for another review because this one is done by a license engineer.
- J. Rollins Jr-I have thought about it and I definitely see you point, my initial reason for bringing up significant activity and public hearing was because I would like to see a reasonable and prudent alternative to this design. Once it becomes a significant activity it has to go out to a public hearing. In my mind what was being requested was going to make such a marginal difference in the usability of the site that I didn't think it was worth the disturbance, the money,

and potential liability. I'm not certain if that is enough of a threshold to require this.

- S. Eisenlohr-I think it was an experience call, it is a very steep site and difficult to contain if anything got out of hand and I think asking for a second opinion in the commissions purview and we have done in the past.
- J. Rollins Jr-has there been any contingency planning as far as ledge and how would those blocks be anchored. I still feel that going from a 30% to a 20% slope is a pretty marginal improvement for the impact that is being requested. I think the E&S controls need to be looked at to make sure they are adequate.
- S. Peacock-we were also concerned with the visual height for the neighbors on both sides.
- S. Molinelli-I visited the site, I don't know from a practical point of view how affective a change from what's there to what you are proposing will actually be in terms of the slope. I am concerned about the impact that it will have with the immediate neighbors and that is the reason I supported the public hearing.
- S. Eisenlohr-the applicant is here to see if the commission would reconsider and if it has to be sent out for further review and I will have to post the public hearing next month. He has sent letters already to the abutters and I told him we would take care of the next set of letters.
- S. Peacock-so this was not sent out or noticed in the paper because you wanted it sent out for another review.
- S. Eisenlohr-the commission voted to have an additional review from our end.
- S. Peacock- in our notes you mentioned Rob Colabella.
- S. Eisenlohr-I called the contractor and told him what the price was going to be and that asked if the commission could re-think it.
- Applicant-the point was that he has already invested \$4000 in these plans, he wasn't aware that he would have to pay an additional engineer review.
- C. Waring-this does happen often when an engineer plans will come in and the commission as a whole feels what that impact will be, many times we will have things sent out to an engineer on behalf of the town.
- Applicant-we were hoping to have this done by the time the rainy season came in, come September and October there is a higher risk for erosion.
- C. Waring-what is everyone's interest for the outside review and public hearing.
- R. Nalette Jr-about of 1/3 of the property is being disturbed, the 30% and disturbing a 1/3 becomes a much greater issue. Site lines need to be considered on abutting neighbors. If there is an alternative instead of this monstrosity I think we should be looking into that. I am in favor of the public hearing and review.
- Commission agrees to move forward with Public Hearing and additional outside engineering opinion and applicant to provide a reasonable and prudent alternative or if there is no other alternatives.
- S. Peacock-would like it noted on the record that the public can see the plans for the proposed application in the Wetlands Office.
- Applicant provided a request for a 35 day extension.

Motion: by R. Nalette Jr to **Table Application IWC 12-30** pending Public Hearing scheduled for September 19th, second by C. Kiely. **Vote:** all in favor-*Motion carries unanimously.*

it also talks about getting up muck and plant material but not really doing a dredging.

- S. Eisenlohr-I have a note from Dominic from Aquatic Controls, that Winchester Lake does not have the supporting DEP documents and are withdrawing and if the fee can be refunded.
- J. Rollins Jr-I would find out if that is the case and if not I would like to run it by Northwest Conservation District.
- C. Waring-I think we should accept it tonight and follow up with it next month.
- S. Eisenlohr-will have S. Hayden look at it.

Motion: by J. Rollins Jr to **Accept Application IWC 12-33**, Applicant: Mr. Jonathan Ilany, Location: 212 Grantville Rd., Winchester Lake, Proposal: Hydro-Raking of Floating Islands in Winchester Lake, second by J. Mulvey, one opposed C. Kiely. **Vote:** all in favor-**Motion carries.**

B. Application IWC 12-34
Applicant: Elaine & Robert Coco
Location: 128 Shore Dr.
Map: 114, Blk: 105B, Lot(s) 57 & 58, Zone; HLD
Proposal: Repair Retaining Wall

- Applicant Robert CoCo present- I would like to repair my retaining wall it has been eroding for the last few years. We propose to do it during the next draw down.
- C. Waring-so that is about four inches higher.
- R. CoCo-I would like to build it the same height as my neighbor.
- R. Nalette Jr-on the half sheet map shows a straight rebuilt wall with dock and pier and no stairs, the second page shows a curved wall with steps and the dock.
- R. Coco-there will be steps on both sides of the pier.
- R. Nalette Jr-so you will be maintaining the curve in the wall.
- R. Coco-the wall is sort of curved. Just the longer wall be repaired and possibly a small repair of the smaller wall.
- C. Kiely-I don't see any footing drains on the wall where you are rebuilding the section.
- J. Rollins Jr-is it going to be mortared all the way up.
- R. Coco-no, so the water will make it through.

Motion: by J. Nalette Jr to **Accept Application IWC 12-34** Applicant: Elaine & Robert Coco, Location: 128 Shore Dr., Map: 114, Blk: 105B, Lot(s) 57 & 58, Zone; HLD Proposal: Repair Retaining Wall, second by J. Rollins Jr. **Vote-**all in favor-**Motion carries unanimously.**

7. **Other Business (items to remain on agenda)**

- A. Town of Winchester Ordinance 162
- Ad Hoc Committee-update (meeting for the Fall)

- IWWC Subcommittee Guidelines – Dock & Mooring Ordinance – Sec 162
- B. Town of Winchester Inland Wetlands Regulations - possible amendments/revisions.
- C. POCD-Implementation Guide

8. **Agent Determination**

- A. **Application IWC 12-35**
 Applicant: Superior Plus Energy Services LLC
 Location: 22 Rowley Street
 Map: 111, Blk: 70, Lot(s) 26, Zone; HLD
 Proposal: Install 500 gallon propane dispensing system

- S. Eisenlohr-as you are looking at the building to the right they want to put a 500 gallon propane tank, they are going to put a couple of saddles in there made out of concrete and put a fence around it. This is above ground and they want to sell propane.
- Commission agrees on agent determination.

Motion: by J. Rollins to **Approve** agent determination for **Application IWC 12-35**, second by R. Nalette Jr. **Vote:** all in favor-*Motion carries unanimously.*

- B. **Application IWC 12-36**
 Applicant: Winchester Park Pond
 Location: 163 Blue St
 Map: 35, Blk: 157, Lot: 37A-1
 Proposal: proposal to add 3 yards of sand with small dump truck from Cannavo's

- S. Eisenlohr-it will be screened sand to cover rocks on the beach area.
- J. Rollins Jr-I know they have been doing that forever.
- C. Waring-I would like you to approve what is being done.
- S. Molinelli-how much area will 3 yards cover and at what depth.
- J. Rollins Jr-240 sq ft, covering an area of 15x15 at 3 inches deep.

Motion: by R. Nalette to **Approve** agent determination for **Application IWC 12-36 Winchester Park Pond**, second by C. Kiely. **Vote:** all in favor-*Motion carries unanimously.*

9. **Warnings**

10. **Violations**

11.

Communications & Bills

- A. Chairman Report
- C. Waring-regarding the November meeting is the day before Thanksgiving which is the 21st so we should move that meeting to the 14th. Would like S. Eisenlohr to provide an update calendar.
 - S. Eisenlohr-I may have to schedule it as a special meeting and then put up a notice to cancel the one on the 21st.
- B. Gilbert School-collapsing wall-200 Williams Ave report from LEI
- I believe the school is working on a plan with Leonard.
- C. Sandra Huebner, 809 E. Wakefield, boat lift approved at 818 E. Wakefield Blvd.
- A letter was provided from Mr. Pinz.
 - S. Eisenlohr-provide a copy of the map the commission approved.
 - M. Pinz-the neighbor is not abutting, I am waterfront and the Town of Winchester is waterfront. These people have deeded use to pass and repass to the water over the town land. They are not waterfront neighbors; their deed restriction only gets them to the water. They have almost 30 feet to get out into the water.
 - C. Waring-has anybody been out to see if the lift is in the location that we approved?
 - C. Kiely-visually to me it doesn't look like it was moved much.
 - M. Pinz-originally it was back about a good 12 to 15 feet.
 - S. Molinelli-so if you are looking at the right of way down, the boatlift is now on the right at the edge.
 - J. Rollins Jr-I would say it has been moved the 15 feet and looks to be compliant on what we agreed.
 - M. Pinz-I did measure it today from the point to the base line of the property it is 17 ½ feet. If I was to move it any further you would be talking over 50% of my waterfront that wouldn't be usable. That is kind of a hardship based on an individual who is not waterfront, not a neighbor and I feel that I am not impeding the ingress or egress.
 - S. Peacock-bottom line is, is the boatlift within the littoral boundary? If it is he is fine, if it isn't then it isn't fine.
 - J. Rollins Jr-we went through that math for weeks and we deemed that moving it that distance was going to do what we wanted it to do.
 - Commission agrees that we have brought everything into compliance, we have tried to be fair to everyone, and the applicant has done his best to accommodate a tough site.
 - C. Kiely-do we respond to her letter.
 - S. Eisenlohr-I will send her a copy of the minutes. If we feel we are done with this then I can send her a letter.

D. IWC Budget (keep on agenda)

- S. Eisenlohr-I will be the Wetlands agent for 20 hours a week and they are not going to have a planner. There won't be any staff person for planning and zoning, redevelopment, edc, or unless the Town Manager does it.
- S. Peacock-did I also read that they are taking away the secretary.
- S. Eisenlohr- She is back in for 12 hours a week.
- S. Eisenlohr-I don't think there is any money in there for training.
- S. Eisenlohr-and we don't have a secretary, so far Rhonda has been doing it because there was money in the secretary but once there is no money there somebody will have to do it.
- C. Waring-is our entire budget used up or are there other areas that we can use it.
- S. Eisenlohr-they might of left legal notices in there, next month if the budget is approve I will show you what we got approved for.

E. Bylaws/Membership

- S. Eisenlohr-we had discussed that if a member is absent more than 3 weeks in a row it is cause for the commission to let you go.
- J. Rollins Jr-I spoke with R. Haburey Jr on a job the other day, he had some stuff he had to take care of and this meeting should be the last issue and he hopes to be back.
- S. Peacock-would like the two new members provided with the bylaws.
- S. Eisenlohr-will provide a copy next month in packet.
- C. Waring-if he can come next month and continue to come I have no problem with that. He is a good member to have and adds a lot to the table.

F. Paving within regulate areas

- S. Eisenlohr-sometimes paving is an improvement it prevents additional erosion from going into the catch basin and into the lake.
- Applicant is 107 W Wakefield Blvd which is across from the lake. It is a very steep driveway, the driveway has become eroded and there are catch basins at the bottom of the driveway on both sides. The catch basins haven't been maintained. I was asked by the Public Works Director, I agreed to an apron however if they want to do a whole driveway I wanted to bounce it off the commission. The goal is to pave the steep part of the driveway.
- S. Molinelli-what is your recommendation?
- S. Eisenlohr-I would say yes.
- J. Rollins Jr-I think it is in the lakes best interest that when we have the opportunity to stop those constant sources of erosion that we do it especially with this steep section.
- S. Molinelli-I agree if this remedies the problem it makes sense.
- S. Peacock-there has been a lot of paving going around the lake, does this commission do anything about it, should we be concerned if it is being done in the regulated area and should there be an application in front of us. A paper road was just paved without any application.

- J. Rollins Jr-typically the driveway permits come from Public Works and this is for a new driveway. The ordinance reads that if you are doing significant reconstruction of 50% of the length of the driveway then you need a permit. Part of that checklist should included wetlands and should be directed to S. Eisenlohr. We should make a request to Public Works that they add to their checklist Wetlands Permit.
- S. Eisenlohr-I did receive this from Public Works so they did call me.
- Commission agrees with the proposed paving of steep area of driveway.

G. Commercial renting of boat slips

- A letter was provided from Ralph Karosur addressing the proof that this is going on.
- S. Eisenlohr-this has been an issue for several years, it is across from Von's Lane. She has been renting out 3 slips a year.
- C. Kiely-they have been renting docks and this year they got into a real conflict with somebody.
- S. Eisenlohr-the lease agreement is attached and I guess the boat was too big and they asked for their money back. Now I have proof that she is leasing out those 3 spots. My goal is to issue a cease and desist letter. I will probably do it 10 days prior to our next meeting with a show cause hearing so she can come in and explain why the cease and desist should not stick.
- J. Rollins Jr-where is our regulations does it say that you can't rent out.
- R. Nalette Jr-Section 9-Docks under E & F. Read for the record.
- C. Waring-if we uphold the cease and desist and the boats are not removed then S. Eisenlohr can give a citation for \$100 a day.
- S. Eisenlohr-I was going to send out a warning letter tomorrow and informing her cease and desist will be coming the boats are not removed.
- S. Molinelli-I would like copies in our packets next month any letters you said and any correspondences. Should you consult with K. Neilligan regarding the legality of this?
- Commission agrees to consult with K. Neilligan and to notify families involved in the lease agreements.

12. Adjournment

Motion: by R. Nalette Jr to adjourn at 10: 15 pm, second by J. Rollins. **Vote:** all in favor-
Motion carries unanimously.

Respectfully Submitted,

Rhonda Roy, Minutes Secretary