

Town of Winchester
INLAND WETLAND & WATERCOURSES COMMISSION

MINUTES July 18th 2012

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

338 Main Street, Winsted, CT 06098

FILED
CLERK'S OFFICE

AUG 7 2012

SHEILA S. SEDLACK
TOWN CLERK WINCHESTER
WINSTED, CONN.

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

3. Approval of Minutes 6/20/12 & 6/27/12

Motion: by J. Rollins to approve minutes of 6/20/12 & 6/27/12, second by S. Peacock.

Vote: All in favor-*Motion carries unanimously.*

4. Agenda Review

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.

Motion: by M. Delaney to **Table Application IWC 12-28**, second by J. Rollins Jr. **Vote:** all in favor-*Motion carries unanimously.*

B. Application IWC 12-29

Applicant: John & Jane Aresta

Location: 168 Shore Dr

Map: 114, Blk: 105B, Lot: 93&94, Zone: HLD

Proposal: Demolition of original addition located in the front of the existing cottage. 1st floor bedroom, bath, front porch, 2nd floor enlarging existing 2 bedrooms and ½ bath, new foundation and landscaping of wall.

- R. Nalette Jr-if we can refer back to the punch list, I have on here location of a dry well if needed.
- A. Janerio-we discussed that last meeting and decided we would go with the sheet flow.
- R. Nalette Jr-the other was location of existing footing drain.
- A. Janerio-we have abandoned the drains that are there.
- S. Peacock-one of the things that I have down is we needed the proposed plantings.
- A. Janerio-is there any plant that is preferable?
- S. Peacock-native and noninvasive.
- R. Nalette Jr-there is a list from the Northwest Conservation District.
- S. Eisenlohr-provided contractor with S. Hayden's contact information.
- S. Peacock-this would be to absorb any run off that there is.
- R. Nalette Jr-what is the timing on this application.
- S. Eisenlohr-from last month S. Peacock had not seen it, so I am thinking we had it the month before.
- S. Peacock-I think it started in May.
- S. Eisenlohr-so we have until next month. I have drafted up a motion.
- S. Peacock-I would like to make a **Motion** to add an after the fact fee. There has been a great deal of disturbance and it came in front of us after the fact, second by S. Molinelli. **Vote:** S. Peacock in favor-opposed 4, abstain C. Kiely and R. Nalette Jr. *Motion denied.*

Discussion:

- M. Delaney-I have given this a lot of thought and initially I was on board for an after the fact fee, however I don't feel that it is the applicants error. I think it was a complex bunch of failures and I don't think the burden should fall on the applicant. Going back to other issues we had a boatlift installed 18 months ago before it came before us and that should have been an after the fact fee.
- S. Molinelli- I sort of agree because there was an attempt by S. Eisenlohr to provide an agent determination. My suggestion would be not an after the fact fee but increase the bond that they would have to post and if there are any violations then just take the money out of their bond.
- J. Rollins Jr-the first thing you said when you were explaining your rationale was it isn't the applicant's fault.
- S. Peacock-I said we have to move forward on it, the plan is now fine. I feel that when we go through an application process all parties have to assume liability in the process and it can't be because this or that one didn't know. The point is that this property was thoroughly disturbed well before we had any input on it.

Motion: by R. Nalette Jr to **Approve Application IWC 12-29**, Applicant: John & Jane Aresta, Location: 168 Shore Dr, Map: 114, Blk: 105B, Lot: 93&94, Zone: HLD, Proposal: Demolition of original addition located in the front of the existing cottage. 1st floor bedroom, bath, front porch, 2nd floor enlarging existing 2 bedrooms and ½ bath, new foundation and landscaping of wall, second by J. Rollins Jr. **Vote:** all in favor-*Motion carries unanimously.*

Conditions 1-12 are standard Inland Wetland Commission Conditions and the following additional conditions:

13. Cash erosion and sedimentation control bond of \$1,000 be submitted to the Inland Wetland Office before construction begins.
14. The plan complies with Ordinance Section 162 and the applicant will conform to all other outstanding items in Section 162.
15. Verification in writing to the Inland Wetland Office that iron survey pins have not been altered after completion of the construction project. If altered, pins to be reset by Licensed Professional Land surveyor and provide the Inland Wetland Office a letter verifying pins have been properly reinstalled.
16. No construction equipment allowed in the lakebed at any time.
17. Update dock registration before work begins and submit at least 3 photos.
18. Upon completion of work, the applicant shall set up an appointment for the Inland Wetland Agent to do a final inspection for compliance which includes:
 - a. Sign off and update dock authorization form.
 - b. Applicant to provide at least 3 photos of authorized work showing compliance.
 - c. Returning cash bond if site is stabilized per Inland Wetland Agent.
19. Excess material to be disposed off site.
20. Owners and contractors will be making daily site inspections during the upcoming rains and will monitor whether or not additional measures will be required as well as providing maintenance of the existing soils and erosion control measures. Owners and contractors will implement additional soils stabilization and erosion control measures above and beyond those indicated on the drawings, in response to the heavy rains and associated runoff.
21. Proposed concrete patio, deck stairs, concrete landing are to be constructed of pervious construction materials.
22. Planting locations: Proposed landscaping plan of wall upper & lower and areas along seawall will be reviewed by Inland Wetland Agent prior to installation.

C. Application IWC 12-32

Applicant: Margaret Ziolkowski

Location: 716 W Wakefield Blvd

Map: 038, Blk: 113, Lot 002, Zone: HLD

Proposal: proposed retaining wall for ease of access with walkway

- Applicant provided an architectural drawing along with a copy of the plot plan. The plans show a 2' x 2' by 6' long interlocking block. They are interlocking with a 4" x 4" tongue and groove. They are 2,000 pds a piece. We will be excavation a base for them to be placed on processed gravel. We talked last month about the catch basin with the sump in it. We are holding 10.5 feet off the property line to there is the ability to maintain the grass area. The walkway will begin at the existing parking area. Site plan with topo was provided.
- S. Molinelli-the construction sequence are those dates accurate. The completion date is 2017, are you comfortable with us changing that date.
- Applicant-it is all upon approval and yes I am.
- Applicant-we would like to move the existing retaining wall six feet from the property line and put a one car parking at the top. The reason we are doing this is because there are narrow steel steps going down and are unsafe.

- S. Peacock-so when you build this retaining wall, so the fill is already there so the fill will be taken out? What will be there after it is removed.
- Applicant-the transgression will begin there which will be one ramp which will be processed gravel.
- S. Peacock-how steep is it there?
- Applicant-there are contour lines which are 2 foot intervals. They are going from 100 down to 80 to the top of the wall. The steps will be coming out and we will have the silt fence in place.
- S. Peacock-what is the height.
- Applicant-8 feet at the top of the wall. Indicated on the plans highest point and grade.
- S. Peacock-will there be stairs coming of this.
- Applicant-we would like to make a ramp instead of stairs. There will stairs at the bottom onto the existing deck.
- S. Peacock-how deep are the blocks into the soil?
- S. Molinelli-is there any kind of security at the top of this block?
- Applicant-indicated on plans the 4" by 10" wood beam guardrail with a 10 x 10 post spaced on center.
- S. Molinelli-so you are proposing a 27 inch rail on top of these blocks?
- • C. Kiely-the house on the south side will this obstruct their view and should we be concerned with the neighbor?
 - Applicant-this is parallel to the lake so the property on each side has a clear view of the lake.
- • R. Nalette Jr-we are allowed to protect the view shed.
 - S. Peacock-I am concerned about the drain and whether it will be kept cleaned out.
 - Applicant-I am open to suggestions.
 - J. Rollins Jr-I would like to take another look at the site after seeing these drawings.
 - Applicant-both sets of plans have been done by engineers.
 - J. Rollins Jr-I think another set of eyes would be helpful.
 - S. Eisenlohr-I could have R. Colabella take a look at it and hold a public hearing to address the neighbors and the view shed of the lake.

Motion: by J. Rollins Jr to **Table** Application IWC 12-32 until a Public Hearing held regarding significant activity and to refer this to the appropriate bodies: Reviewing engineer and Northwest Conservation and Public Hearing date to be set for our next scheduled meeting, second by S. Peacock. **Vote:** all in favor-*Motion carries unanimously.*

6.

New Business

- A. Application IWC 12-31
 - Applicant: Lauren M. Friedman
 - Location: 105-107 Blue St
 - Map: 035, Blk: 157, Lot(s) 42-18, Zone:
 - Proposal: Construction of 8' x 36' fence, 8' x 4' boat dock
- Applicant not present.

- S. Eisenlohr-plans provided
- J. Rollins Jr-I would like to see more detail on the boat dock
- S. Peacock-does the fence ordinance applies to other water bodies other than Highland Lake.
- J. Rollins Jr-this doesn't really have any impact on the view shed.

Motion: by J. Rollins Jr to Accept Application IWC 12-31, second by S. Molinelli. **Vote:** all in favor-*Motion carries unanimously.*

7. Other Business

- A. Town of Winchester Ordinance 162**
- Ad Hoc Committee-update
 - No meeting schedule-meeting to be scheduled this Fall.
 - IWWC Subcommittee Guidelines – Dock & Mooring Ordinance – Sec 162
- B. Town of Winchester Inland Wetlands Regulations - possible amendments/revisions.**
- R. Nalette Jr-has maintained a list of things that we don't cover to be reviewed and rewritten.
- C. POCD Implementation Guide (keep on agenda for review)**
- R. Nalette Jr-has everyone had a chance to read? They have done an immense change in how we look at our town. I highly recommend that it be reviewed and everyone to come back with comments to bring back to the POCD sub-committee.
 - R. Nalette Jr-would like to thank J. Rollins for all the work he has done on this committee.

8. Agent Determination

- A. Application: IWC 12-30
Applicant: Mountain Top Trucking
Location: 151 Main St
Map: 111, Blk: 070, Lot: 021, Zone: CB-2**
- 151 Main Street-Bed & Breakfast
 - S. Eisenlohr-behind it a garage has collapsed. It is 50 feet from the river and I told them they needed a Wetlands Permit. I did an agent approval so they could remove it.
 - J. Rollins-so there was only some slight grading and stabilizing?
 - S. Eisenlohr-they smoothed it off, seeded and hayed it.
 - S. Molinelli-that has been on the ground for months, why didn't they file an application to have it removed.
 - S. Eisenlohr-they applied for a demo permit and when I went to sign it, it was too close so that is why I am doing an agent approval.
 - Commission agreed on agent approval.

9. Warnings

10. Violations

11. Communications & Bills

A. Chairman Report

B. Gilbert School-carry on agenda

C. **Application-** Ronald Pinz-818 E. Wakefield Blvd

- Sandra Huebner-809 E. Wakefield blvd-letter regarding boat lift
- S. Eisenlohr-I did go out to the site and it does look like it is sticking out.
- R. Nalette Jr-is that where we approved it to be right on the corner?
- S. Peacock-I personally felt this should have been put in front of his property, rocks or no rocks.
- M. Delaney-I think the problem has become this fellow's and his neighbor.
- S. Molinelli-did he place it where it was supposed to base on the approval?
- S. Eisenlohr-it does look like it is up further.
- **R. Nalette Jr-carry on agenda until further review.**

D. Budget

- R. Nalette Jr-we will probably have very little money for training. There are level I & II IWC trainings. I have taken one, I have not taken two. I am required to because I have been on for two terms.
- S. Peacock-it would be nice if the DEP could have a meeting up here for an in house training.
- S. Molinelli-can the lack of training compromise our decisions?
- R. Nalette Jr-they can not come after us personally but could come after the town.

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

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