

Town of Winchester
INLAND WETLAND & WATERCOURSES COMMISSION
Minutes June 27th, 2012
7:00 PM, P. Francis Hicks Room, 2nd Floor, Town Hall
338 Main Street, Winsted, CT 06098

Show Cause Hearing

The meeting was called to order by Chairman Chris Waring at 7:04 pm. The following members answered roll call: M. Delaney, Sue Peacock, Jim Rollins Jr and Scott Eisenlohr, Inland Wetland Agent. Stephen Molinelli (absent excused), Robert Haburey Jr (absent), Chris Kiely (absent) and Jackie Mulvey (absent).

A. Application IWC 12-29

Applicant: John & Jane Aresta

Location: 168 Shore Dr

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

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, also new foundation.

- Applicant John & Jane Aresta present. I am upset and I never expected to be before this board tonight. I have been before the ZBA and believe I have all the proper permits. I was told that part of the foundation needed replacing, that was done and inspected by the town. I never knew there were permits required from the Wetlands. I have stopped all work as requested and I believe that sedimentation controls are in place. A. Janerio will explain what those control measures are.
- Al Janerio-Custom Drawings-I was told about the cease and desist order and I believe it was over the sedimentation controls. The project hasn't change dramatically from the original design, the addition size is still the same size. The original design was to remove the existing addition in front of the house which we have done. At that point we were going to put a new foundation in front of the house and a new bedroom on the first floor and a bathroom on the first floor. A large second floor bedrooms and add a half bath to the second floor. That has all been done. During the excavation process we realized that the foundation on the north side of the property was in bad shape and didn't have a footing. We approach M. Melanson and gave him some new sketches of what we were going to do and he approved it and gave us the go ahead to continue. We put in the new foundation having to shore up the existing house in order to work under it. The existing floor for the original prints was going to be reinforces. We also reinforced the existing main carrying beam for the existing house. At this point the only thing that had changed from the original design was having to do the foundation on the north side, which was done. The owner asked if he could change the roof for the back portion of the house, he currently had a slope.
- C. Waring-I think that is where a lot of the confusion is, the reason this came all about is because there was never a wetland application at all for this job.

- A. Janerio-we are here today and would like to resolve that. The sketch shows the original erosion and control measures. I took some photo's on Monday and this morning, it shows that the current control measures were working and that we have since then revised it a little bit, we added some more control measures to make it even better. On the north side of the property you can see that there is some dirt piled up, we do have an existing silt fence at the water level and there is currently a silt fence on the north side of the property. The lower picture taken this morning you will notice that the dirt has been pulled off the back yard, the existing silt fence is still there at the water. The silt fence on the north wall has been revised and also carried in towards the building. The second photo you are looking at and the upper photo is prior to Monday and you can see the back yard has been cleared off. There is an erosion fence on the south wall. We have done some measures to elevate any concerns. The next photo is showing the area regarded. The upper photo shows that there is grass there with no mud or erosion at the silt fence.
- C. Waring-this was one of our big concerns when we met last week and we discussed the piles that were down by the water. I was up just before the meeting, I can attest that what he has in the new pictures what is currently there now and it does look significantly better.
- M. Delaney-I was there twice last week from the road side it was really a mess. I went by in my boat over the weekend and the silt fence was knocked down.
- S. Peacock-when you moved the dirt around did you stock pile it in a certain place. It is currently piled at the front of the yard and will be utilized to regrade the yard once the construction is complete. There is also some wood left over from the tree that was cut down, which the owner will utilize later on. There are also some stone left over, it use to be a wall and would like to redo that area.
- R. Nalette Jr-you mentioned additional roof work that was not in the original permit was added to the plans by the homeowner. Who was that approved by?
- A. Janerio-it was approved by the building inspector. We will be submitting and as built to the town which includes the changes made.
- S. Eisenlohr-where do you stand with the construction as of today.
- A. Janerio-that would be a question for Carlos, he is the general contractor.
- Carlos Moriera present-we are done with the framing and roofing. The next step will be siding. The foundation is done. I would say that the exterior portion of the project is about 75-80% complete.
- A. Janerio-you are looking at the siding and regarding of the property, the rest of the work will be on the inside. The sedimentation will stay in place until the new planting are in.
- S. Peacock-is there a bond on this property?
- S. Eisenlohr-yes a \$1,000, I talked to the owner when the house was in the air and they were putting in a foundation under it. I called the owner immediately and he sent me an application, fee and a \$1,000 cash bond. So he sent all of it as a package.
- S. Peacock-was it necessary to disturb that much of the property to do this project? We are concerned about the disturbance of the land around it.
- A. Janerio-we had to dig down to frost, it was very difficult to keep a small trench. It was necessary to pull all that dirt away from the house in order to get to the depth we needed.
- S. Peacock-when was the silt fence installed?
- C. Moriera-it was installed prior to starting the project.
- S. Eisenlohr-when did you start the project? The building permit was approved in September 2011.
- C. Moriera-we started in March, after winter.

- C. Waring-it was approved by ZBA on April 26, 2011. The applicants should be advised especially if it is something on the lake that a wetlands permit is required.
- J. Rollins Jr-the building inspector should of never issues a building permit without a signature from this commission. The cease and desist is put out there because of one of two things, either you are working without a permit or you have exceeded the limits for what the permit was for. Here it was a combination of both. Exceeding the limits of the permit is actually the bigger problem. We okayed getting those footings poured so you could lower the house. Then some point after that the work extended again, I don't even know how far the new foundation went.
- A. Janerio-at that point we had already spoken with M. Melanson and he gave us the permission to proceed. We didn't want to tear down the whole north wall at the same time mainly for safety issues. So we took it down portions at a time.
- J. Rollins Jr-we realized the problem started on the town's side and we had a potentially unsafe situation so we said go ahead, it seemed like every time we went to look at it more and more work was going closer to the lake. So we stopped this because we didn't know if you planned to stop.
- A. Janerio-we stopped at the building, we replaced that north wall. That has been done and backfilled Foundation is done, backfill is done, there is a slab that needs to be poured in the basement.
- J. Rollins Jr-normally we would have a drawing showing, drainage, downspouts, footing drains. Where are the footing drains going?
- A. Janerio-currently there are no footing drains, the grade is at basement level, there are some pipes being put under the slab but that will only collect the ground water under the slab.
- S. Eisenlohr-the foundation is going to be water proofed, the eaves along the back of the house drop to the ground and sheet flow into the grass and the front ones were going to discharge [REDACTED]
- A. Janerio-provided the runoff for the original and the proposed. This is based on a 25 year storm. Provided calculations. The cease and desist I was hoping was about the scenario on what was going around the yard. I can give you anything you need and if what I have here today you are not satisfied with I would like to know if we can get the cease and desist removed so they can continue working and resolve the after construction part at a later date.
- J. Rollins Jr-we need to stop it before it gets even further out of control.
- A. Janerio-the deck is currently off and it will be put back on. I will be rebuilt the same.
- J. Rollins Jr-I am assuming you will put crush stone under the deck.
- A. Janerio-originally there were pavers.
- M. Delaney-will we need new application for the footings? How many cement sonatubes?
- A. Janerio-the footings are already existing, about 3 or 4 sonatubes.
- A. Janerio-I should have the as built by the 18th.
- C. Waring-we would like to have it before the meeting around the 11th before the next meeting.
- S. Eisenlohr-we will be looking for some finished grading contours, where the stone walls are going, the length, sequence of construction from start to finish, when you are going to seed and stabilize the site. How many sonatunes and if pavers are going back under the deck and also about the dry well that we never finished talking about. We want to know what additional excavation is going to happen. We want to see where the driveway is located and that it is not going to be paved.

- S. Peacock-also plantings, it is very important in a wetland area. Any changes to your waterfront we need to know about that.
- C. Moreira-there is currently a stone wall and all the plants are in place.
- A. Janerio-do we need to change the dry wall seeing the increase in runoff is very minimal or leave it the way it was originally.
- S. Eisenlohr-your thoughts were to put one by the front of the house just for the two eaves.
- A. Janerio-the existing roof was coming off onto the sheet flow and was dissipating the water and that won't change from the addition we have done.
- J. Rollins Jr-on your drawing are you going to show us the elevation of the high water mark, the elevation of the top of that wall. I would like to see elevation of the basement as well.
- A. Janerio-does the dam control that high water mark? Is that currently at the high water level.
- S. Peacock-yes.
- J. Rollins-on page 4 of your group of pictures, the upper picture, right where the bucket is on the excavator, in the right corner up against the silt fence there is a pile of crushed stone there looks like a 3 inch piece of schedule 40 pipe that is exiting the wall towards the lake.
- A. Janerio- I recall seeing that and I think some crushed stone was put into a hole. I will take a look at that.
- J. Rollins Jr-are there footing drains going directly into the lake, so that needs to be checked into. Explain to me the drains you were going to put under the floor.
- A. Janerio-there is currently some perforated pipe under the slab, the water table is currently is about 8 inches below the crushed stone that is there which is going to get about 4 inches over that a slab. Which will make the water table about 12 inches below the slab. Any water that was going to accumulate under that slab from preventing it from coming out I was going to put the pipe under that.
- J. Rollins Jr-where does that pipe go? You are better off putting in a sump hole.
- A. Janerio-those pipes should probably not even be there and we did discuss a sump hole.
 - List
 - Full drawings for the deck including sonatubes and pavers below
 - Finished grading
 - Stone wall locations
 - Sequence of construction
 - Show location of driveway, includes no paving
 - Proposed plantings
 - High water level
 - No dock changes being made
 - Grade level top of wall
 - Basement floor, finished floor level
 - Footing drains to lake
 - Remove pipes in the basement and add sump hole
- S. Peacock-I would like it to go on record that an after the fact fee should be charged. I don't know if any of the other commissioners agree with me on this but it is unfortunate the applicant has to be faced with this. We are here to protect the wetlands and they were not protected.

- J. Rollins Jr-I disagree with that, the applicant was giving a building permit, and if I was given a building permit I would assume I was given a wetland permit. I don't think we can hold the applicant accountable for that. There was nothing indicated to them that they had overstepped. They got the go ahead for each phase from the building official.
- A. Janerio-the contractor didn't pull the permit, the applicant got the permit so in his thoughts he thought he was ok.
- S. Peacock-I have no problem with them moving forward however I still feel this is still an after the fact permit.
- C. Waring-I am inclined to agree with J. Rollins Jr because the error really came from.
- R. Nalette Jr-considering this is a show cause hearing, I think what we are determining is whether to lift the cease and desist. They will still be coming before us as an applicant at which point I think that would be the more appropriate time to discuss the permitting fees.

Motion: by S. Peacock to lift cease & desist on **Application IWC 12-29**
second by R. Nalette Jr. **Vote:** all in favor-*Motion carries unanimously.*

Motion: by R. Nalette Jr to adjourn at 8:10 pm, second by S. Peacock. **Vote:** all in favor-
Motion carries unanimously.

Further discussion regarding the permit procedure with town departments and commission.
Commission will address at next meeting.

Respectfully Submitted,

Rhonda Roy
Minutes Secretary
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