

Town of Winchester
INLAND WETLAND & WATERCOURSES COMMISSION
Minutes June 20th, 2012
7:00 PM, P. Francis Hicks Room, 2nd Floor, Town Hall
338 Main Street, Winsted, CT 06098

The meeting was called to order by Chairman Chris Waring. The following members answered roll call: Jackie Mulvey, Meg Delaney, Sue Peacock, Jim Rollins Jr and Scott Eisenlohr, Inland Wetland Agent. Stephen Molinelli (absent excused), Robert Haburey Jr (absent), Chris Kiely (absent). Ric Nalette Jr arrived at 7:05pm.

3. Approval of Minutes 5/29/12

Motion: by J. Rollins to approve minutes of 5/16/12, second by J. Mulvey, three abstained S. Peacock, M. Delany and Ric Nalette Jr. **Vote:** all in favor-*Motion carries*.

4. Agenda Review

- S. Eisenlohr-add to New Business item 7B-Margaret Ziolkowski-716 W. Wakefield Blvd. Application #12-30.
- S. Eisenlohr-under other business 8C-POCD Implementation guide.

5. Election of Officers

Motion: by S. Peacock nominated C. Waring as Chairman, second by J. Rollins Jr. **Vote:** all in favor-*Motion carries unanimously*.

Motion: by S. Peacock nominated R. Nalette Jr for Vice Chairman, second by M. Delaney. **Vote:** all in favor-*Motion carries unanimously*.

- S. Eisenlohr-advised commission that the secretary's for commissions have been eliminated from the budget because the Town Manager has recommended that the secretary of the commission do the minutes in the future. This is difficult for a member to take minutes and concentrate on the application being presented.
- C. Waring-ask for nominations for secretary, no nominations made. Position is unfilled.

Old Business**A. Application IWC 12-04**

Applicant: Ronald Pinz

Location: 818 East Wakefield Blvd.

Map: 044, Blk: 108, Lot: 075, 077, Zone: HLD

Proposal: Add boat lift

- Additional information was provided which shows a relocation of boat lift.
- Applicant R. Pinz present, the boat lift is placed 36 feet from the property line, legally it is within the ordinance. The concerns from last month's meeting were to provide an engineered survey. I re-examined my lot, there is a spot that it will fit, and I will have to buy an extension for one leg.
- C. Waring-so that will fit on that angled corner?
- R. Pinz-yes, part of the canopy will extend over. That whole area is one lot I know there was concerns about that according to the minutes.
- S. Peacock-since this is now going parallel to the wall, what is the problem with bringing it parallel to the wall along side your dock?
- R. Pinz-there are two big rocks.
- Commission agreed this was a better location for the lift.

Motion: by R. Nalette Jr to **Approve Application IWC#12-04**, Applicant: Ronald Pinz, Location: 818 East Wakefield Blvd, Map: 044, Blk: 108, Lot: 075, 077, Zone: HLD
 Proposal: Add boat lift, second by J. Rollins. *Vote-all in favor-Motion carries unanimously.*

Based on oral and written testimony.

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

13. Cash erosion and sedimentation control bond of \$-0 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. Applicant to comply with revised location plan date June 20, 2012 which consists of two pages.

B. Application IWC 12-27

Applicant: Melinda B. Shafer

Location: 246 Perch Rock Trail

Map: 113, Blk: 105A, Lot: 53 & 54 Zone: HLD

Proposal: Put in a boat lift and access walkway

- Applicant Melinda Shafer present.
- S. Eisenlohr-a few questions the commission had was, looking at the boatlift and the walkway what kind of materials will be used?
- M. Shafer-16 foot walkway will be aluminum. It will be removed at the end of the season. The decking will be a plastic decking but the legs will be aluminum.
- C. Waring-what are the dimensions of the existing dock and sun deck?

- M. Shafer-I pretty sure from shore it is 50 feet out to the end of the floating dock.
- S. Peacock-is part of your walkway is on your land?
- C. Waring-we had a question about the float at the time of last month's meeting was not in the water and is that what is out on the end?
- M. Shafer-yes we just put it in.
- R. Nalette Jr-I do have an issue with the walkway access, the regulations intent was to allow a plank or short piece of access material to stretch from dock to land or from the boat and it was not a permanent structure and removed when you were done. We have allowed larger than what are regulations allow due to commercial availability, we are allowing long pieces of little docks. The fact that this is temporary and seasonal, I do want to warn the commission that we are allowing people to build basically two docks on their property just as long as they call them walkways.
- C. Waring-I agree but the reason for that is because the way it is worded in the regulations, it doesn't stipulate one way or another in the ordinance. We can have the Ad-Hoc committee address this.

Motion: by S. Peacock to **Approve Application IWC 12-27**, Applicant: Melinda B. Shafer, Location: 246 Perch Rock Trail, Map: 113, Blk: 105A, Lot: 53 & 54 Zone: HLD, Proposal: Put in a boat lift and walkway, second by J. Mulvey, two abstentions J. Rollins Jr and R. Nalette Jr. **Vote-all in favor-Motion carries.**

Based on oral and written testimony.

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

13. Cash erosion and sedimentation control bond of \$-0 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. Update dock and mooring registration form.

C. 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.

- S. Eisenlohr-advised commission that M. Closson is currently working with the engineer to update the plan.
- C. Waring-advised S. Eisenlohr to inform applicant that the application expires next month and if the plan submitted is not complete a request for extension will have to be provided.

Motion: by J. Rollins 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, second by M. Delaney. **Vote-all in favor-Motion carries unanimously.**

D. 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.

- S. Peacock-missed last month's meeting and does not have the application.
- S. Peacock-I was up there today and there is complete disturbance on the lot with very iffy silt fencing. There are dirt and rock piles everywhere. Has this come in after the fact fee and have we collected that fee?
- J. Rollins-we did not and there is a reason for that, the applicant did everything properly the mistake was somewhere between the building department, the building department signed off on the permit without S. Eisenlohr's signature.
- S. Peacock-it is the contractor's responsibility to make sure the permits are in place. This is a real wetland's issue. How is this falling through the cracks?
- S. Eisenlohr-ZBA gave them a permit and told them to go the Building Department, the plan says a proposed addition. The whole house has been lifted up. We are supposed to have a quick glance check list so they see that all departments have been signed off on. M. Melanson realized it when he went for a footing inspection that it wasn't side of by S. Eisenlohr.
- S. Peacock-so was a cease and desist put on this?
- J. Rollins Jr-that was our immediate response and S. Eisenlohr called me and we went up and looked. The house was up in the air, we told them to pour the footings and put the house in place. At that time we told him to clean up the mess and get rid of the piles. We remedied the situation but then they started doing work that was beyond the permit.
- C. Waring-it is a complete failure on the side of the Town.
- S. Eisenlohr-we moved it from agent approval and accepted it as a new application. So I requested additional plans and information and this is all I got.
- C. Waring-have they continued work that is beyond what has been signed off on?
- S. Eisenlohr-he has removed the stock piles and put up a silt fence.
- C. Waring-this can't go forward until we have a plan for this.
- J. Rollins Jr-the only way we are going to get a plan is to do a cease & desist immediately.
- S. Peacock-I think they also should pay the after the fact fee and if they don't want to pay it then the contractor should pay it. The work started there was no permits in place, we still have an incomplete plan in front of us. This is what after the fact fees are all about.
- S. Peacock-is there an application that was run through ZBA on this?
- S. Eisenlohr-yes.
- R. Nalette Jr-so the footings are complete and the house is back on the foundation and is secure and safe.
- S. Eisenlohr-yes.
- S. Peacock-this is on a cove where we are having tremendous amounts of weeds on the lake right now and this is not good for the watershed.

- J. Rollins Jr-I think a cease & desist should be across the board they need to stop everything.
- C. Waring-should we tell them they need to comply with proper E&S controls along with the cease and desist.
- R. Nalette Jr-so we need him to immediately install adequate E&S controls and remove or contain all stock piles.
- S. Peacock-in the past we have done double rows of siltation with hay bales because it is that disturbed, on the side of the lot one of the fences has collapsed.
- C. Waring-if there are any ZBA minutes on this if we could get a copy of it.
- S. Peacock-is there a date when it was in front of ZBA.
- C. Waring-the building permit was signed off on September 2011.
- Complete application and plan is required for this permit.
- S. Eisenlohr- When I do a cease & desist I have to hold a show just cause hearing, so I will set up a special meeting.
- R. Nalette Jr-how about next Wednesday.
- S. Eisenlohr-will forward reminder of show cause meeting scheduled for June 27th.

Motion: by R. Nalette Jr to direct S. Eisenlohr to issue a **cease & desist** of all activities until application is submitted to the Inland Wetland Commission, we required immediate installation of adequate E&S controls and removable or containment of stock piles, second by J. Rollins Jr. **Vote-all in favor-Motion carries unanimously.**

Motion: by R. Nalette Jr to **Table** until such time an application is brought before us, second by J. Rollins Jr. **Vote-all in favor-Motion carries unanimously.**

7.

New Business

A. Application IWC 11-28
 Applicant: James Gaudiosi
 Location: 130 Shore Drive
 Map: 114, Blk: 105B, Lot: 59 & 60 Zone: HLD
 Proposal: Deck construction 16' x 12'

- C. Waring-this is a modification to application 11-28.
- Applicant James Gaudiosi present. The proposed deck would be 16' going south side of the house to the north side, then 12' out to the short side of the house.
- C. Waring-what was the previous application for?
- J. Gaudiosi-did some stump grinding, I did a total remodel on the house. I was here in the Spring.
- C. Waring-there are two drawings one was for repair of existing seawall. All you are asking for know is the deck, correct?
- J. Gaudiosi-yes
- C. Waring-looks as there will be 8 sonatubes and a set of stairs coming of the deck.
- S. Peacock-what is going in under the deck?
- J. Gaudiosi-probably crushed stone.

Motion: by R. Nalette Jr to **Approve Modification of Application IWC 11-28**, Applicant: James Gaudiosi, Location: 130 Shore Drive, Map: 114, Blk: 105B, Lot: 59 & 60 Zone: HLD, Proposal: Deck construction 16' x 12', second by J. Rollins Jr. *Vote-all in favor-Motion carries unanimously.*

B. Application IWC 12-30
Applicant: Margaret Ziolkowski
Location: 716 W Wakefield Blvd
Map

- Rick Roger-contractor for applicant.
- C. Waring-does the dock actually go out into the water>
- Applicant-no it doesn't.
- J. Mulvey-is that an existing deck?
- R. Roger-yes, everything there is existing.
- C. Waring-so the parking space will be reduced and the northern side of that pulling that wall to the south, about how far?
- R. Roger-six feet.
- J. Rollins-does the 2 x 2 catch basin exist?
- R. Roger-the idea of the catch basin is we want to top this with processed gravel and we don't want any heavy rains allowing that to go into the lake. So we put a catch basin with a sump that can be cleaned out.
- C. Waring-so the other lines are a proposed wall?
- R. Roger-it is an interlocking wall, it is a faced wall, and it is poured like it is a stone wall. Is that changing the grade.
- R. Roger-yes that will bring the grade up, right now it is a drop down.
- C. Waring-so basically you will be a 10 foot grade for that new wall section. Having a drop off like that would there have to be some type of railing.
- R. Roger-yes we are putting one there.
- C. Waring-as far as additional information I would like to see complete measurements for the appropriate scale and distances, how deep is the parking area. I would like to see a cross section so we have an idea what it will look like overall.
- R. Nalette Jr-how tall did you say the wall was going to be.
- Applicant-maximum 8 ft unless I can do it less than that.
- J. Rollins Jr-your assumed bench mark is that at ground level?
- R. Roger-it is probably about a foot off the ground.
- J. Rollins Jr-if I scaled it right and it is about 80 feet from the pole to where the retaining wall is going to be, existing is 34% and proposed is 24%. That is really steep, we have to make sure water doesn't find its way off the road and onto that, that process will wash away at a 24% slope. Is there an outlet pipe coming from the catch basin and where is it going. We need to know that. The drain behind the wall where is that planned to discharge.
- S. Peacock-what does the sump drain into?
- J. Rollins Jr-it works like a catch basin at the street, there will be a pipe out at a certain level but there is a sump below that pipe so the sediment gathers there and the water runs out and the sediment stays in, then you would clean out the catch basin.

- S. Peacock-so the homeowner is responsible for maintaining this?
- S. Eisenlohr-that is why I asked about the bottomless one.
- J. Rollins Jr-yes and you would still have to maintain a bottomless one.
- R. Nalette Jr-where will the sump outlet be located?
- J. Rollins Jr-this will be on next month's plan.
- S. Eisenlohr-I will check with the Building Inspector because any wall over 4ft may need an engineered plan.
- S. Peacock-is this accessible now for us to view it.
- R. Roger-yes what they use currently looks like a fire escape is metal and steel.
- J. Rollins Jr-how do propose getting from the top of the new retaining wall at 80.77 down to existing grade of 72.77?
- R. Roger-this is existing and there are step going down and periodic landings that bring them down to that.
- S. Eisenlohr-will check to see if fee was paid.
- S. Peacock-when was this application accepted.
- S. Eisenlohr-I have a received date of June 13, 2012.

Motion: by Ric Nalette Jr to **Accept Application IWC 12-30**, Applicant: Margaret Ziolkowski, Location: 716 W Wakefield Blvd, Map, second by J. Mulvey. **Vote:** all in favor-*Motion carries Unanimously.*

8.

Other Business

A. Town of Winchester Ordinance 162

- Ad Hoc Committee-update
 - No meeting schedule
- IWWC Subcommittee Guidelines – Dock & Mooring Ordinance – Sec 162

B. Town of Winchester Inland Wetlands Regulations - possible amendments/revisions.

C. POCD Implementation Guide (keep on agenda for review)

- C. Waring-looks like Section 10 of the POCD
- S. Eisenlohr-Page 10-4 talks about improving inspections of E&S Controls, clearly that is a needed.
- S. Eisenlohr-Item 9 refers to adopt a soil base density in an acreage requirement, not sure if we need something like that.
- J. Rollins Jr-we sort of do have soil based zoning because you can only do so much building if your soils are not adequate.
- S. Peacock-we already did #12, update buffer regulations.

9. Agent Determination

10. Warnings

A. Gilbert School-collapsing wall-200 Williams Ave report from LEI

- J. Rollins Jr-I looked at the pictures again, it doesn't seem as though it has changed significantly.
- S. Eisenlohr-will move item to communications to keep active on agenda.

11. Violations

12. Communications & Bills

A. Chairman Report

- C. Waring-I will not be a next month's meeting.

B. Copy of 2012 Highland Lake Drawdown Schedule approval and BOS minutes of approval as requested.

13. Adjournment

Motion: by R. Nalette Jr to adjourn at 9:00 pm, second by J. Rollins. **Vote:** all in favor-*Motion carries unanimously.*

Respectfully Submitted,

Rhonda Roy
Minutes Secretary

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