

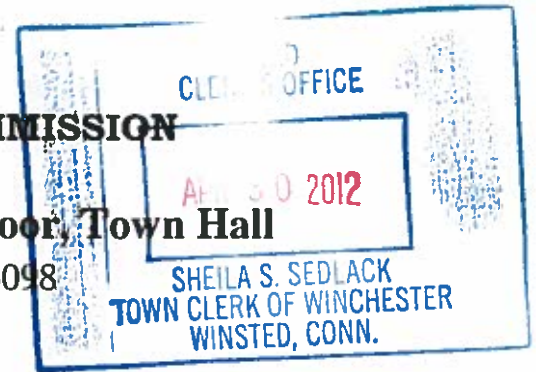
Town of Winchester  
**INLAND WETLAND & WATERCOURSES COMMISSION**

April 18th, 2012

7:00 PM, P. Francis Hicks Room, 2<sup>nd</sup> Floor, Town Hall

338 Main Street, Winsted, CT 06098

MINUTES



The meeting was called to order by Sue Peacock 7:11p.m as acting chairman. The following members answered roll call: Chris Kiely, Meg Delaney, Sue Peacock, Stephen Molinelli, James Rollins Jr., Robert Haburey Jr and Scott Eisenlohr, Inland Wetlands agent. Brian O'Heron is no longer a member. Chris Waring and Ric Nalette Jr are absent excused and we have a new member Jackie Mulvey.

**Approval of Minutes 2/15/12 & 3/21/12 tapes available in office**

**Motion:** by S. Peacock to **table** minutes 3/21/12 for further review to next meeting, and 2/15/12 minutes are approved as amended, second by J. Rollins, one abstention Jackie Mulvey **Vote:** all in favor-*Motion carries.*

- S. Peacock-can you explain why our minutes are not being done, is it a budgetary issue? We need a professional secretary on hand taking minutes for the monthly meetings.
- S. Eisenlohr-it is hard to find a competent person to do the minutes for only \$14 an hour. I found someone to do minutes for EDC, a wife of the chair person; she was interested in the other boards however she found another part time job so she is only going to do EDC.
- S. Peacock-has the town advertised for a part time person to do the minutes?
- S. Eisenlohr-I do not think the town has advertised for this.
- S. Peacock-this is hurting people that are putting applications in front of us.
- J. Rollins-we refer back to those minutes all the time.
- S. Eisenlohr-when I send the Town Manager an email I will include this in the body of my email on how the commission does rely on these minutes.
- S. Molinelli-I like to request a copy of your email and the response you get from the Town Manager.
- S. Peacock-all members are favor of S. Eisenlohr addressing the Town Manager regarding minute taking of meetings.

**Agenda Review**

- S. Eisenlohr-I request that the commission table application for 812 W. Wakefield for Jan Cohen, the Town has taken care of that and they would like to start construction.
- J. Rollins-we came to an agreement that the plan put before us was ok with the commission but we couldn't vote on it because some of the activity was on the Town's property. If there are not changes to the application we were going to go ahead and approve it.
- S. Eisenlohr-I have Woody Dawson under agent determination, can we add that to Item C. New Business.
- S. Eisenlohr-add Item C under Communications-Inland Wetland Training.

Old Business**A. Application IWC#04-05**

Applicant: Gary D'Angelo

Location: 322 West Wakefield Blvd.

Map: 032, Blk: 118, Lot: 17 &amp; 17A, Zone: HLD

Proposal: Extend completion date of approved retention wall.

- S. Eisenlohr-I handed out some information from our Town Attorney that refers to the three extensions that are on our agenda. The three people are not here. I would like to come back to the extensions after we read this.
- S. Peacock-they would like to extend the completion of the retaining wall if needed and the addition of a boat lift. Did we approve any of this?
- S. Eisenlohr-the motion is only approving the extension because the commission already approved the dock and boat lift.
- S. Peacock-so extending it five years it would expire on January 19, 2014. That would be a total of 9 years. The extension approval must comply with approved letter with conditions stated January 19, 2005. Any modifications in plans will require a permit. Going back to K. Nelligan's legal advice I am recalling here that his application had lapsed a year. K. Nelligan's advice was that a lapsed permit does not have to be granted an extension. The commission could require a new application to be submitted however, the point of my prior discussion with you is that if the facts and the regulations are unchanged since the original approval the commission should approve the application with expiration dates based on a new application. A denial when the commission has already found that the regulations were satisfied under identical facts could cause problems on appeal. A new application can be required to satisfy the commission that no change has occurred and review issues unexplored at the time of the original application
- J. Rollins-so essentially if the permit is the same and if the regulations are unchanged, we don't even have to do anything because it is automatically extended to the nine year mark. Because we have an application in front of us we probably should to make things clear based on Public Act 11-5. This permit is good until January 19, 2014.
- S. Molinelli-my understanding of this letter is that we are required to ask for a new application, being expired a new application is required. Then if the application is identical to what was expired and there were no changes in our ordinances or conditions then it would make sense to approve the application because it was identical to the previous one. He gets the time attached to the new application.
- M. Delaney-that is how I understand it. I recall the applicant saying that they would withdraw the application as far as the retaining wall was concerned.
- J. Rollins-at this point it is expired so there is no application. It is up to them to come before us with a new application, if they don't want to then what is going to make them do that short of a violation letter.
- S. Molinelli-my notes and this is where minutes are important, extended completion date of application of retention wall, I wrote denied by withdrawal. My notes state that they withdrew that part of the application. The modification to the current dock, I had it where it wasn't a modification

but as a new application because it asked for all different things. That was last month's minutes and that is what is missing.

- S. Eisenlohr-I thought we were going to separate them because it was confusing. The application was for an existing dock and he was looking for an extension. It should have been broken down into two applications.
- S. Molinelli-there was a modification to a current dock, which can't be the same because he completely refigured everything.
- S. Peacock-is he putting in an application for a different dock?
- J. Rollins-that part has already been approved.
- S. Peacock-we approved the dock two months ago because we grabbed with this and C. Waring was going to get K. Nelligan's advice. So we approved the dock and that has come off our agenda but we were waiting to get K. Nelligan's advice on the extension. We all send it has lapsed, so where do we go from here.
- M. Delaney-according to K. Nelligan he needs a new application.
- S. Eisenlohr-my impression was he was looking for an extension on the wall and not to withdraw it. When he merged the application it was a modification of an existing dock and an extension of the wall.
- M. Delaney-I recall him saying he didn't want to proceed with the wall because of the expense.
- J. Rollins-that is my understanding as well.
- S. Peacock-have you spoken with him since last month S. Eisenlohr? Because if not maybe this isn't suppose to be in front of us.
- S. Eisenlohr-I am positive that he is requesting an extension on the wall.
- J. Rollins-he didn't want the permit in the first place but with all the mud sliding down 20 feet from a catch basis he had to do something. It needs to be a new application and not an extension.
- S. Peacock-S. Eisenlohr needs to contact him and tell him that his application has run out and he needs to submit a new application on the wall if he wants to move forward with it. In the meantime if there are problems with the wall we will have to go in with violations. We have never used our influence on saying this wall has to go in now and if we are not then lets me done with it.
- S. Eisenlohr-I think he has been maintaining it.
- S. Molinelli-we have to deny this application because we can not extend it. According to K. Nelligan once it has lapsed we are not obligate to renew it.
- S. Peacock-I thought the whole problem was he let it lapse a year.
- S. Eisenlohr-C. Waring has it detailed out on page one and I don't think K. Nelligan answered it directly.
- S. Peacock-yes he says a lapsed permit does not have to be granted an extension and that would require a new application.
- S. Eisenlohr-I need to how to address Mr. D'Angelo, so because his permit expired he needs to submit a new application.
- S. Peacock-if he wants to submit a new application for the wall then we want an engineered report for that mass of land to make sure it is stabilized.
- R. Haburey-does the conditions remain, the quarterly clean up with the new application?
- J. Rollins-he would still be held to the standard to hold the erosion from being a problem.

- S. Eisenlohr-referred to two letters from the DEP regarding expiration states that extension is nine years from the date of approval of such permit. Technically what I am saying is that permit never lapsed. He would have to come in for the five year extension after the nine years.
- S. Peacock-what would this bring his application date up to?
- S. Eisenlohr-my motion forms reflects the nine year approval.
- S. Peacock-then he doesn't need to have this in front of us then. How much did he pay to put this application in front of us?
- S. Eisenlohr-the full fee of \$215.00, I'm not going to give the fee back because we already approved it.
- S. Molinelli-it states that any permit issued by a municipal agency that did not expire before May 9, 2011 is valid for nine years from the date of approval. His does not fall in that category, because it expired. We only had a five year application and it expired and that is where he is. I think what they are saying is if it didn't expire they get the nine years.
- S. Peacock-this needs to be addressed with K. Nelligan prior to next meeting so members have full understanding of it.

**Motion:** by J. Rollins to **table** application **IWC#04-05** based on the criteria for the extension and a thorough understanding of it by K. Nelligan, second S. Peacock, two opposed S. Molinelli & Jackie Mulvey. **Vote:** all in favor- *Motion carries.*

**B. 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

- R.Pinz applicant is present
- S. Peacock-your boat lift runs along the side wall, there is also a letter that came in our packet from Sandra Heubner relating to a right away near where this boat lift is going.
- R. Pinz-handed additional calculations to the board.
- S. Peacock-the stockade fence that runs along the back of your property is that on your property?
- R. Pinz-to the best of my knowledge the previous owner put that up, the Town has a wire fence about a foot south east of that. They run parallel to each other. So the boundary line would be in that are about a foot.
- S. Peacock-on your map the one thing that is confusing to me, you don't show a fence.
- R. Pinz-I was told the property line is the fence. The fence doesn't go all the way to the water. You have 4 to 8 feet which is just an embankment of rock and dirt.
- S. Peacock-since this is becoming contentious why you didn't put your proposed boat lift out where your dock is.
- R. Pinz-my retaining wall is 4.5 feet deep right at the wall at the end of my dock it is 9.5 feet, which is 20 feet off shore. The boat lift can't be parallel to the shore there because of the rocks under the water so it would have to go straight out. The boat lifts first double legs would be about 6 feet off the wall,

which would be in 5 to 6 feet of water, but the rear legs which are the furthest ones out would be in 7 to 9 feet of water. Six foot is the maximum. Where it is I am putting it on the side it is tucked away and nobody has to see it. It fits perfect where I proposed to but it which is 3.5 to 6 feet.

- S. Peacock-this boat lift is already in the water and you are coming to us now.
- R. Pinz-I would like you to make a decision whether it is legal or not and move on from there.
- S. Molinelli-my sense on the application is the only way you have access assuming the boat lift is from this direction only.
- R. Pinz-yes that is the only one.
- S. Molinelli- You are not impeding on the easement on the water front to get to that boat lift?
- R. Pinz-yes you are correct. The first application that was a rough sketch, even though they are close. The second one is accurate.
- S. Peacock-what is the measurement of the right away?
- R. Pinz -30 feet at the water and 40 feet at the road.
- S. Peacock-is there a reason why this is set back so far from the wall rather than the edge of the wall?
- R. Pinz-it is strictly because of what is under the water. It is the only place it fits because of the large rocks I have under the water.
- S. Peacock-the wall along there is that wooden and is that how you would get on and off the boat?
- R. Pinz- years ago we used that for a canoe, it is wood on top and dry rock underneath. I do have pictures of that if the other members would like to see. Pictures were sent around.
- J. Rollins-when you look at it out from the land at the lake, you can see where the boat lift is, it does seem from that perspective its infringing on the littoral rights of that right away based on the location of the fence that is there. We don't know if the fence is on the property line and is Ms. Heubner aware of where the right of way is. Has something changed since the drainage went in which could make the appearance different to her?
- S. Peacock-what happens in the cove method to the middle guy?
- J. Rollins-there are different cove methods. You need to be a surveyor to know which the appropriate one is.
- S. Peacock-how long can the legs be on a boat lift for it to remain safe?
- C. Kiely-that would depend on the weight of the boat and the lake bottom. They can be up to 8 to 10 feet.
- S. Molinelli-I think the length of the legs and the depth of the water is a consideration but if there is a rock that the boat lift can't sit on is not conducive but I think our concern is where he is proposing the boat lift is it on his property and does it interfere in the littoral boundary of whom ever is next to him whether its an easement or a person and if it doesn't then he is entitled to put a boat lift there. It appears to me that he is respecting the littoral boundary by positioning his proposed boat lift.
- R. Pinz-my word is based on when I first moved in, the fence is on my property line according to a map I got from the planning department and dimensions on the deed.
- S. Molinelli-does it appear that the boat lift is off the property line by 10 feet?
- S. Peacock-no it doesn't appear to be.

- J. Rollins-the appearance is based on a visual site line because of the fence that is there. What we don't have which is the appropriate littoral cove method in this circumstance.
- S. Eisenlohr-I did walk the site with Sandra Heubner she does have a copy of everything that has been filed. She did ask me if I knew where the property line was and I told her no that we rely on the applicant and if I was to guess I would say the fence was the property line.
- C. Kiely-do we have a map from when we approved the application for the culvert which might give us property lines?
- S. Eisenlohr-I might be able to find something.
- J. Rollins-I think we need to know what cove method is the proper one and I don't know how to get that answer. In the area of the cove you would find a point in the center and draw a line from the property line and that would be the property line and the littoral would be parallel to that.
- R. Pinz-I will bench mark area.
- M. Delaney-my concern is where are the property lines and S. Eisenlohr you feel the property line is where the fence is?
- J. Rollins-is this method going to be provided to us? I am going to review Section 162.
- S. Eisenlohr-I can go online with the help of the applicant to get this information.

**Motion:** by J. Rollins to **table** application IWC#12-04 for further review of the cove method, second by C. Kiely. **Vote:** All in favor-*Motion carries unanimously.*

**C. Application IWC#12-05**

Applicant: Rollins Excavating

Location: 208 Perch Rock Trail

Map: 114, Blk: 105A, Lot: 7 & 8, Zone: HLD

Proposal: Replace dock, repair deck, reconstruct patio, relocate driveway, maintain sea wall & six steps, install mooring buoy and boat lift.

- J. Rollins presented application for applicant. Last month's meeting we presented two drawings of the site work, one was a phase for the site work and the other a phase for the waterfront. You should of gotten a revised drawing of the site work, the only difference that you will find is on the end of the house closest to the road the area that was shaded in green for lawn was widened another 8 feet or so to make room for another car which is shaded in brown.
- M. Delaney-last month the applicant seemed a little ambiguous on which design they were going to go with.
- J. Rollins-this is the final choice if it gets approved.
- J. Rollins-there is an existing dock that is 50 x 3 feet, which is the littoral on this site.
- J. Rollins-the sketch that you have in front of you, currently the existing dock comes off the wall and goes out 50 feet. They are going to use the existing dock that is there for this year, it is in bad shape and they are going to put a piece of carpet over the wood. They are going to keep what is existing and that is within the littoral boundary. Part of the site drawing shows raising this seawall to match the rest of the wall. When that wall gets raise and put the new dock in they will

move the dock over to meet the littoral boundaries, so everything can be set at the right level.

- S. Peacock-is that a floating dock and is it on top of a pier?
- J. Rollins-no, it is a wooden dock with steel pipes and there are no piers.
- S. Peacock-so this dock is completely in place and they are not adding to it?
- J. Rollins-the proposed dock is to bring it in and make it the configuration that you see, it is going to be a couple feet shorter. Because it is shorter they were going to bring it into littoral compliance and they were going to shorten it up because these rocks are right at the end of the dock and he wants to cover the rocks.
- S. Peacock-who put this map together?
- J. Rollins-Laurel City Marine.
- C. Kiely-I went off your drawing of the rocks for the distance. That is the only knowledge of the rocks that I have.
- J. Rollins-why does it have an extra 4x10 section at the end?
- C. Kiely-that was by the owner's request.
- S. Peacock-was it suggested that it wasn't going to fit our dock and mooring ordinance?
- C. Kiely-no because last meeting it wasn't strongly suggested. If I recall at our last meeting he is shortening up an existing dock by two feet.
- J. Rollins-I thought we were shortening it up more than that, I thought we were trying to go as close to those, so the dock was just over those two rocks.
- C. Kiely-I think that is acceptable to him.
- S. Peacock-when we are dealing with a new dock, I thought we were going to bring things into compliance and second we are not here for what is acceptable to the applicant we are here to follow and ordinance. It should be within the littoral boundaries and it should only be so far out into the water.
- S. Molinelli-according to K. Nelligan that rule will no longer exist.
- S. Peacock-what rule?
- S. Molinelli-which we will no longer have to bring things into compliance. An old dock we understood it to be repaired board by board.
- S. Peacock-but this is a whole new dock.
- S. Molinelli-my understanding was that even a new dock was looked at if it was there already you can put it back.
- M. Delaney-this additional 4 x 10 on the very end are you saying that the homeowner went to you and added this on after our last meeting?
- C. Kiely-no he had a 10 x10 at the last meeting.
- M. Delaney-I am going to amend my question if I may, is anything different about this application than what we were brought last month?
- J. Rollins-yes
- M. Delaney-ok so let's stop right there and look at what needs to come back to us, you can't change what was brought before us what we accepted last month and they changed it.
- S. Eisenlohr-last month was 49 feet 6 inches by 48 inches wide. There was no float on the end of that.
- C. Kiely-he was asking for a boatlift too.
- J. Rollins-if I remember correctly last month he wanted to have a dock and a boatlift which was in a stupid location and we were on board with the configuration that the board came up with and the applicants daughter was here

and she said no this is what we want with a boatlift when the kids are older but we don't want to have it now.

- R. Haburey-she wanted it straight for now so the kids could get in the boat easily and she would come back for the extension which isn't the 4 x 10 but a 6 x 10.
- J. Rollins-so to answer your question Meg the difference of what was requested by the commission on this drawing, forget about what was on the other drawing, this is what they requested. The problem with this drawing is he is showing an extra 4 x 10 on the end which was never part of last month's plan.
- M. Delaney-the Jet Ski lift was not part of it either.
- J. Rollins-correct he is putting in two Jet Ski lifts instead of a boat lift. You can x out the last 4 x 10 because I do not know what that is. The plan is when the wall gets raised this will get moved over to the littoral so they match up.
- S. Molinelli-so if you come into compliance with the littoral then the rocks are exposed. I am in favor of compliance and let the diver deal with the rocks.
- S. Eisenlohr-so we take off the 4 x 10 at the end and keep the 6 x 10 does that change your aggregate width. Because the aggregate width of the last one is only 40 inches wide. If it is 6 x 10 even if the Jet Ski lift is next to the dock should we say that is 6 x 12, on your last one you had the boat lift as 10 and the dock at 4?
- J. Rollins-we would have 10 feet and it looks like 7 feet and then you would also add those existing steps and a buoy.
- S. Molinelli-I would personally like to see this drawing be corrected to show at least the elimination of the last piece and not 7.5 feet but 10 feet in.
- R. Haburey-and we need to know that the Jet Ski are on there now because that is a change.
- S. Peacock-what stretch of shoreline is this on, this dock is pretty long.
- J. Rollins-If you come from Bruno's market turn right onto Perch Rock, I think it is the fourth house in; they are all so close together. It is a couple houses past Cadrain's. They are to the left of the house that put on the second floor.
- S. Peacock-so this dock is there right now over towards their littoral boundary.
- J. Rollins-right now it is about 8.5 feet from the property line according to the survey.
- S. Peacock-how far out into the water does it go?
- J. Rollins-49 feet 6 inches. They are trying to shorten it 6 feet.
- S. Peacock-they are putting a new deck on the house?
- J. Rollins-this deck is existing and underneath is an asphalt patio and drains down, there is a floor drain in the center and catches all the run off. The plan is to put in as pervious as a paver patio so instead of letting the water go into a drain and right into the lake we will put a little bit of slope on it so the water will have to run across the 10 feet of lawn.
- **Follow up with revised plan showing aggregate width dimensions, Jet Ski lifts, removal of floating dock.**

**Motion:** by M. Delaney to table application IWC#12-05, 208 Perch Rock Trail, second by R. Haburey. Two abstained J. Rollins and C. Kiely: **Vote:** all in favor-*Motion carries.*

**D. Application IWC#558**

Applicant: Gordon H. Pepper

Location: 214 Torrington Rd.

Map: 044, Blk: 158, Lot: 049, Zone:

Proposal: Earth excavation extension

- S. Peacock-we have a letter from S. Eisenlohr stating that application was approved to conduct certain regulated activity. The permit is enclosed. Behind the letter are the conditions of approval. When I got to 12. I noted some things that were supposed to be done on that site. I know one of those hasn't been. The isolated wetlands portion on the westerly section of the site remain flagged and they are to stay in place during excavation process. The 50 foot regulated area around this flagged wetland area is to be delineated by the installation of orange construction safety fencing to protect the regulated wetland area from disturbance.
- J. Rollins-that is way up in an area that isn't disturbed.
- S. Peacock-item 13. Was to install white pines along the property line shall include a second row of the same white pines and shall be staggered in a row along the proposed row forming an immediate screening on the property of various mixed spruces are desirable. There are pines in there but there was never a second row. That was never done. 14. This permit is contingent on the applicant receiving a storm water discharge permit from the DEP for this 20.4 acre earth excavation site. I am assuming that this would be in his record S. Eisenlohr. The last thing is the applicant is responsible for dust control during the earth excavation process. There is only one row of pine trees there and the whole idea was a screening thing. There is wetlands in front of those pine trees.
- S. Molinelli-can we look back at the dates of the extensions?
- S. Peacock-the first one was way back 11 years ago in December 31, 2001. May 30, 2002 S. Eisenlohr sent a letter to Gordon Pepper.
- S. Molinelli-which was a five year approval, did he apply for a second approval?
- S. Eisenlohr-yes on October 11, 2007. This letter was a request for a five year extension.
- J. Rollins-we can't extend it beyond 10 years, so it has to be a new application.
- S. Molinelli-so five years would bring us to May 2012. So let's refer to K. Nelligan's letter because he is requesting something before it expires.
- S. Peacock-it says any application that did not expire before May 9, 2011 is valid for nine years and any permit issued before 7/01/11 is valid for nine years as well. So it is valid for nine years. Read K. Nelligan's response for the record, making this permit approved until May 30, 2016.
- Commission agreed that he still needs to comply with the planting of the second row of trees and needs to comply with by 2016.

**Motion:** by J. Rollins to **Approve/Notify** Application IWC #558 that his permit is valid under new rule until May 30, 2016 as per Public Act 11-5 and is also to be in compliance with existing conditions, second by M. Delaney. **Vote:** all in favor-*Motion carries unanimously.*

**E. Application IWC10-24 MOD**

Applicant: Gail Yaffee & Andrea Garbus

Location: 440 East Wakefield Blvd.

Map: 032, Blk: 105, Lot: 079, Zone: HLD

Proposal: Change #10-24 from a permanent cantilevered dock to a Seasonal Dock with legs.

- Applicant-on the cantilever dock going through and hiring an engineer getting approval and getting hit by a hard winter. I couldn't get it scheduled and the contractor didn't work out. We decided to go to a different kind of dock, aluminum pole driven dock and would be put in as a seasonal dock; it is a much smaller dock than the original one. The new one is only 6ft wide and extends 18 feet. Also I have on the application a boat lift which would be next to the dock
- J. Rollins-I think our question last month was that we needed to see the conditions of approval and we needed to see what the water front was. This is simply a drawing of the proposed dock change. Is there anything else on that waterfront?
- S. Peacock-your waterfront wall is going to remain the same, are you going to need to put in any cement or any stone work to do this? So basically alls you will be doing is putting legs into the lake bed and this dock will come out at the end of the season and the dock is going in where the other one was?
- Applicant-yes to all the above. This is 6 feet with a four foot extension so we are going out four feet to the right.
- J. Rollins-instead of being 7 ft wide it will now be 10 ft, 3 ft wider at the end, I just want to make sure this additional 3 ft doesn't put him over the 50% rule.
- S. Peacock-he has a very wide waterfront, it's over 100 feet.
- Applicant-it is 125 feet.
- S. Peacock-it is in the same location as the dock we approved?
- Applicant-we have about 60 feet from where the extension is going to go.
- S. Eisenlohr-has prior map showing property lines.
- M. Delaney-I would like to see that as well. Does this application include a boat lift?
- Applicant-the new application includes a boat lift.
- S. Eisenlohr-there is no boat lift on either application, however on his dock and mooring application it talks about a boat lift.
- S. Peacock-which we haven't approved.
- S. Eisenlohr-is he verbally asking for it. I can get a drawing showing the rotation of the boat lift.
- S. Molinelli-can we get a copy of the littoral boundary lines, where the dock is, where the boat lift is.
- Applicant-in the package that I got to fill out the last sheet has information on what you are suppose to put on this which I checked boat lift.
- M. Delaney-it isn't in the narrative or the drawing.
- S. Peacock-we need to include in the files a drawing of what we have approved. We will need a drawing of the waterfront the length of waterfront, where your littorals are, where the dock sits in relation to your sides, where it the boat lift sits in relation to the dock.

**Motion:** by J. Rollins Peacock to **table** modification of application **IWC10-24** until we have a complete waterfront drawing showing waterfront with the dimensions, dock and boatlift, second C, Kiely. **Vote:** all in favor-*Motion carries unanimously.*

**F. Application IWC 07-18**

Applicant: Francis S. Delaney

Location: 607 West Wakefield Blvd.

Map: 038, Blk: 114, Lot: 02121-C, Zone: HLD

Proposal: Five Year Extension

- S. Eisenlohr-this technically went from the five years to the nine years. This application was approved on May 16, 2007.
- S. Molinelli-so now the 5/16/2007 five year permit becomes a nine year.
- S. Eisenlohr-so after the nine years he would be able to come in for a five year extension.
- J. Rollins-so we need to notify the applicant that his permit is valid until 5/16/2016.
- S. Eisenlohr-will issue refund for permit.

**Motion:** by J. Rollins to **approve/notify** Application IWC #07-08 that his permit is valid under new rule until May 16, 2016 as per Public Act 11-5 and is also to be in compliance with existing conditions and at the end of this and he can apply for a five year extension, second by S. Peacock, M. Delaney & C. Kiely abstained. **Vote:** all in favor-*Motion carries.*

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

- 13. Cash Erosion and Sedimentation Bond of \$ 1,000 be submitted to the Inland Wetland Office before construction begins.
- 14. No construction equipment allowed in the lakebed at any time. Excavation for concrete to be completed in dry section of lakebed. Excavating in water not allowed. Erosion controls to be used during excavation for pier.
- 15. Registration/Authorization form for docks, buoys, swim floats, walkways and boatlifts authorized be submitted to the Inland Wetlands Office before being installed.
- 16. Project to be complete during deep draw down of lake for walkway support only.

**6. New Business**

**A. Application IWC 12-07**

Applicant: Laura A. Kramer

Location: 407 W. Wakefield Blvd.

Map: 032, Blk: 118, Lot: 11 & 12 Zone: HLD

Proposal: Addition to an existing dock- removable, to cover a large rock that damages boat when water is low.

- S. Eisenlohr-on their registration form they have Jet Ski float and lift and it is not shown on the plan. She has the littoral boundary on one of them.

- J. Mulvey-is says Jet Ski not functional at present.
- J. Rollins-we need dimensions to the littoral.
- S. Peacock-and how she is going to attach the dock to the land, is that a stone wall that goes across her waterfront? I would suggest to her to come in next month.
- J. Rollins-what is still needed, dimensions of littoral boundaries on both side, jet ski lift location, seawall type, width of the property and aggregate measurements and what the dock structure is made of, it looks like a 10 x 10 is floating but the 4 x 19 foot, what is it, is it on piers.

**Motion:** by J. Mulvey to accept application IWC#12-07, second by C. Kiely. **Vote:** all in favor-  
*Motion carries unanimously.*

**B. Application: IWC#12-08**  
Applicant: Town of Winchester  
Location: Highland Lake  
Proposal: Proposed 5 year lake drawdown schedule

- S. Eisenlohr-I received the information yesterday from Shirley Allshouse, I have included it in your packet. I will make a copy of the application.
- J. Rollins-so this has gone to the selectman already and they are good with it?
- S. Eisenlohr-I would like the board to accept it tonight so I can let the residents know the draw down schedule.
- S. Molinelli-the draw down isn't until next November. I would suggest that you attach to the application the motion and the selectmen that voted on it so when we get it we know it has been approved.
- S. Eisenlohr-I will gather the information that S. Molinelli is requesting and make sure our application is complete.
- J. Mulvey-was this recommend by the water level committee, so we either approve it or disapprove it and send it one to the selectmen.
- S. Eisenlohr-no it goes to the selectmen first. The committee made these recommendations to the BOS and they agreed so now it comes back to Wetlands for approval.
- S. Peacock-it was presented to the BOS along with public comment which allowed the public to speak on it.
- S. Eisenlohr-do you want to hold a public hearing?
- S. Molinelli-has it been past practice?
- S. Peacock-residents have had opportunity already to speak on this application doesn't feel public hearing is necessary.
- Commission voted not to have public hearing.

**Motion:** by S. Molinelli to accept application IWC#12-08, second by J. Rollins. **Vote:** all in favor-  
*Motion carries unanimously.*

**C. Application IWC 11-25**  
Applicant: Sherwood Dawson  
Location: 535 W. Wakefield Blvd.  
Map: 038, Blk: 115, Lot: 7 Zone: HLD  
Proposal: Construct single family house on an existing lot.

**TAPE TWO DID NOT RECORD INFORMATION ON THIS APPLICATION OTHER THAN:**

- There will be a new owner so the access to the will be the way they have the well up there too.

**Motion:** by J. Rollins to accept Application IWC#11-25, second by C. Kiely, S. Peacock  
**recuseoozed: Vote:** all in favor-*Motion Carries*.

**7. Other Business**

**A. Town of Winchester Ordinance 162**

- Ad Hoc committee create member list?-list has been created
- IWWC Subcommittee Guidelines – Dock & Mooring Ordinance – Sec 162-list being reviewed.

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

- M. Delaney-I believe the last discussion we had was this was tabled.
- J. Rollins-we add to as things come up, I wrote one down tonight, what we need is an existing waterfront map and a proposed.

**C. Jan Cohen-812 W. Wakefield Blvd.**

- S. Eisenlohr-that is a reminder that Hemlock Construction requesting an extension based on legal negotiations with the client and Town of Winchester has been completed. The second page shows a draft motion with one condition. If there are no issues with this can I do an agent determination?
- S. Peacock-so the town has finally made its decision?
- S. Eisenlohr-the owners have to get an easement through K. Nelligan to work on the town's property.
- J. Rollins-has anything been done to create a template on this so things can be done more promptly.
- S. Eisenlohr-I don't think any of those have been the same.
- S. Peacock-S. Eisenlohr will do agent determination and provide it to the commission.

**8. Agent Determination**

**9. Warnings**

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

- J. Rollins-it has fallen quite a bit further since we last discussed it.
- S. Eisenlohr-I reported at the last meeting that Leonard sent a letter and I told them they needed to make a decision on it. Either we will fill out the application or find somebody else because we need to move forward on it. The goal was the Gilbert School was going to come up with a design and come in with an application.
- M. Delaney-so when can we expect to see something on this?
- S. Eisenlohr-I honestly can't answer that. I will call Dave Battista and see what kind of progress he has made with the school.

- J. Rollins-maybe he can drive by to see if he thinks it has moved again.
- S. Peacock-I am putting down that you are calling Dave Battista, Leonard Engineer to check on progress of application for the wall.

10.

Violations

11.

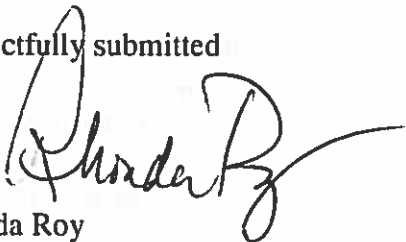
Communications & Bills

- A. Chairman Report-no report
- B. IWC Grant/Steap Committee – Ad hoc committee start grant writing/Jim Rollins-  
(remove from agenda)
- C. Inland Wetland DEP training
  - S. Peacock-recommends for all new commission members.
  - J. Rollins-so are we a full commission again?
  - S. Eisenlohr-yes
  - S. Peacock-someone called me about planting trees along the river.
  - S. Eisenlohr-I told them I could probably do an agent approval on it.
  - S. Peacock-how come in Torrington along their river the state came in and tore every tree out of there for flood control and they don't come near us over here and it is all over grown. I can see planting a lot of trees in the downtown area but it is a mess out there.
  - S. Eisenlohr-Torrington has 3 wetland agents and they can go out and maintain the rivers. She spends a lot of time making those things look good but they are down to two agents.
  - S. Peacock-Friends of Earth day asking anyone to come out with equipment to help clean up where it is necessary. Mr. Labich was offered over 200 trees from the Lions Club.
  - J. Mulvey-I have a list of types of plants, shrubs, trees that makes a good variant boundaries and that would be very useful in determining.
  - S. Eisenlohr-will make a copy of list for members.

12. Adjournment

**Motion:** by J. Rollins to **adjourn** at 11:10 pm second by R. Haburey Jr. **Vote:** all in favor-*Motion carries unanimously.*

Respectfully submitted



Rhonda Roy

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