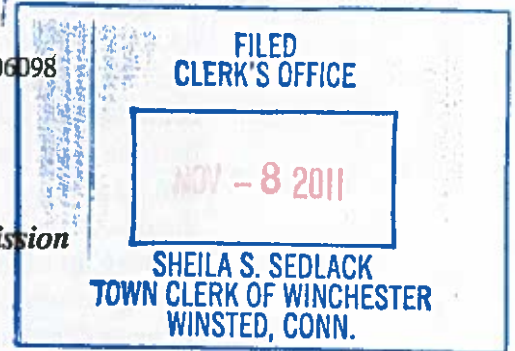




## TOWN OF WINCHESTER – CITY OF WINSTED

Town Hall – 338 Main Street  
WINSTED, CONNECTICUT 06098



*Minutes of Regular Meeting  
Inland Wetlands & Watercourses Commission  
October 19, 2011*

The meeting was called to order by Chairman Chris Waring at 7:00 p.m. The following members answered roll call: C. Waring, R. Nalette, C. Kiely, Stephen Molinelli, James Rollins Jr, Robert Haburey Jr., B. O'Heron arrived at 7:05. S. Peacock was (absent excused). Wetlands Agent Scott Eisenlohr arrived at 7:08.

**Item 3. Approval of Minutes** – Motion by J. Rollins to approve minutes of the September regular meeting, Seconded by C. Kiely. R. Nalette abstained. **Vote:** all in favor-*Motion carried.*

**Item 4. Agenda Review**

**Item 5. Old Business**

**A. Application: IW#11-18**

Application: Jan Cohn

Location: 812 W Wakefield Blvd

Map: 113, Blk: 106, Lot(s) 4, Zone: HLD

Proposal: Replace collapsing concrete retaining wall and adjacent stairs

**Motion:** by J. Rollins to **table** IWC#11-18 based on e-mail received from Town Attorney Kevin Nelligan stating that the building in question is on town land and will need a town approval before it can move forward. Second by C. Kiely, B. O'Heron abstained. **Vote-**all in favor-*Motion carried.*

**B. Application: IW#11-19**

Applicant: Jeffrey Loureiro

Location: 212 Perch Rock Trail

Map: 114, Blk: 105a, Lot(s) 11&12, Zone: HLD

Proposal: : repair or replace existing lawn w/treks or equal along sea wall, repair fractured wall and replace pier.

## Discussion:

- J. Loureiro-precast concrete retaining wall which has formed cracks in three locations, sorry it's not precast it is cast in place. There is a crack in one place on the west side of the wall, I want to secure it so it doesn't continue to move. The eastern center of the wall there is a very significant crack. I think I can excavate behind it, pull the wall back up to plum and put it in place by placing some pre-cast concrete and attaching it with threaded rod and turn buckle so it doesn't move again and repair the cracks. At the same time as I am in there doing it, I have the lawn that goes all the way up to the sea wall and when you cut the grass it ends up in the lake. I am asking to step back about 14 feet and put a layer of textile fabric over the soil, with 3 inches of crushed stone on top of that and then put a pressure treated treks deck, with the deck going parallel to the lake so it will intercept any run off, which will go through the stone and the filter before it would even get to the lake. The other part is the pier that the fixed dock sits on, a couple years ago, when that ice sheet moved down the lake, it pushed that pier down a few feet and rotated it over. When they do the deep draw down, then I need to take that out and put it back to where it is suppose to be.
- B. O'Heron-do you know if that pier is in the ground?
- J. Loureiro-it is in the ground a little bit, but obviously not that much because it has moved.
- S. Molinelli-S. Eisenlohr am I correct that on January 1<sup>st</sup> the gates are re-opened and then the lake just fills naturally. I would like you to explain that.
- S. Eisenlohr-it fills up three feet from the top then they maintain that level.
- B. O'Heron-there are things you can do around piers, you can put logs, they float and then they would freeze.
- J. Rollins-how old is the wall that is being repaired?
- J. Loureiro-I am guessing it is probably not any older the 20 years old.
- J. Rollins-on your cross section drawing you are showing a wide footing under the existing wall.
- J. Loureiro-there is some footing because on one side I can see the exposed footing.
- J. Rollins-can you tell if that footing is relatively flat?
- J. Loureiro-yes it is.
- C. Kiely-on the drawing you don't have any E&S measures.
- J. Loureiro-I wasn't sure what to do, I couldn't put a silt fence in the lake. I will be working behind the wall to straighten it out.
- S. Molinelli-so the wall will serve as a barrier.
- J. Loureiro-I can do whatever you prefer. I would have to put it beyond the footing that goes out into the lake.
- S. Eisenlohr-I covered it under item 21 of the conditions.
- J. Rollins-the stock pile ought to be wrapped with the silt fence as well.
- J. Loureiro-there isn't a whole lot of room so I won't be stock piling.
- S. Molinelli-on my note from last month, I noted that the fee is to be paid. Looking at your diagram you seem to be leaning heavily on the right side three apparatuses to pull the wall back, the other side seems to be at least as big of a span, wouldn't it make sense when you are digging to do more than less.
- J. Loureiro-the other side of the wall only has one crack, there is a corner there and is supported by the corner.

- S. Molinelli-what happens as you get closer to the center?
- J. Loureiro-as you get closer to the center, there could be something there, it hasn't moved and there could be a crack but the wall hasn't moved. That is why I am putting one block prophylactic so that it doesn't move.
- S. Molinelli-so that part is stable?
- J. Rollins-I think it would be smart to include in the conditions that if he feels that if another one is worthy of repair that he do it.
- C. Kiely-are there drains in the wall?
- J. Loureiro-yes there are.
- C. Kiely-so when you are working behind it, I would think you would be able to inspect that the material is draining in the right direction.
- J. Loureiro-I can put filter fabric in front of it.
- J. Rollins-I guess the only other question is how the commission feels about putting a deck there versus vegetation. There isn't a whole lot of vegetation on that lawn. Once you get rid of 14 feet, you have significantly diminished the vegetations ability to intenuate any nutrients. I thought we should discuss what we think of that.
- J. Loureiro-in terms of any contaminants from run off, this will have to go through the stone and the underlying filter which will filter it before it can seep into the lake, where the grass is, you're going to cut the grass and the clippings can get into the lake along with the runoff.
- C. Waring-I certainly see this as better than what we have seen a lot in the past, like people coming in an asking for stone block patios and those particularly instances we have asked for a vegetated buffer. I feel pretty comfortable with it.
- R. Nalette-we have in the past modified coverage of this, I do certainly take into consideration the permeability of objects as opposed to some of the things that come before us in the past and I don't know how much yard is left I don't have a full picture of it so I don't know if the percentage of coverage is there.
- J. Rollins-it is a pretty densely covered piece of property.
- J. Loureiro-I think it is about 60 feet of it from the back porch to the lake, which is lawn.
- S. Eisenlohr-the deck would also have to go before the planning and zoning commission.
- R. Nalette-it says on page 10 of your plan that the deck will come flush to the top of the wall.
- J. Loureiro-yes that is correct.
- J. Rollins-we didn't discuss replacing the pier. How deep is the water where the pier is? And you said that it has moved a couple of feet.
- J. Loureiro-it's about four feet deep and has moved a couple of feet. I am going to have to bust it up to get it out of there and put a new one in where it is supposed to be.
- S. Eisenlohr-are you going to leave the footing there?
- J. Loureiro-I don't think there is any footing there, I can't see one.
- J. Rollins-what is the next step after that, are you going to dig down, at a six foot drawn down, the maximum you're going to get is two feet in the ground.
- B. O'Heron-those deep draw downs usually go to 8 feet.
- S. Eisenlohr-I covered those two items in 16 and 17 on your motion form.
- S. Molinelli-the portion of the dock that rests on the concrete pier, hypothetically where it should be, is that a permanent dock or something that you remove?
- J. Loureiro- that is permanent.

- C. Waring-you mentioned not being able to replace that concrete pier with steel.
- R. Haburey-how far did your dock travel?
- J. Loureiro-about two feet.
- R. Haburey-so are the boulders on each side of the pier?
- J. Loureiro-yes there is one on the east side but is further away it isn't butting up to it.
- R. Nalette-instead of replacing it with additional concrete carrier which you may or may not be able to find a permanent anchor what stops you from using feet, they create these things for docks that just rest on the lake bottom.
- J. Loureiro-I think with the freezing and thawing it would move it around.

**Motion:** by C. Waring to **approve** application IW#11-19. **Proposal:** repair or replace existing lawn w/treks or equal along sea wall, repair fractured wall and replace pier, **Map:** 114, Blk: 105a, Lot(s) 11&12, **Zone:** HLD based on oral and written testimony. Second by J. Rollins, R. Nalette abstained. **Vote:** all in favor- *Motion carried.*

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. 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.
15. No construction equipment allowed in the lakebed at any time.
16. Fixed dock concrete pier improvements to be constructed during deep draw down of lake. Timing of any other construction activities relating to the deep draw will be determined by the Inland Wetland Agent.
17. Excavation for concrete to be complete in dry section of lakebed. Excavating in water not allowed. Erosion control to be used during excavation for pier.
18. No additional sand shall be added.
19. Prior to construction install additional silt fence along waters edge.
20. Excess material to be disposed off site.
21. Straw is to be used for stabilization or mulching of site instead of hay bales.
22. Owners and contractor 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 soil stabilizations and erosion control measures above and beyond those indicated on the drawings, in response to the heavy rains and associated runoff.
23. Owner may add additional dead men (concrete block) as required and reviewed by IW agent.
24. Support legs on the deck may be used in place of concrete pier.

**Item 6. New Business**

**A. Application: IW#11-23**

Applicant: Oliver Tenney

Location: 203 W. Wakefield Blvd

Map: 113 Blk: 120, Lot (s) 002 , Zone: HLD

Proposal: Installation of dock

**Discussion:**

- O. Tenney-you should have all the paperwork I submitted, what I want to do is install and easy dock, a removal floating dock. I couldn't get my boat into shore; I needed my son to come to help me. We would like to attach it to the walk way and it is going to float out 20 feet.
- C. Waring-on the drawing you have here there is a water line and then a soft water frontage. I'm sorry this says 50 feet frontage. You have a few different sets of stairs.
- O. Tenney-yes.
- C. Waring-so the dock will attach to the wood platform that is there. The 16 foot wide deck that you have has a railing around it, does that stick out over the water.
- O. Tenney-yes it is over the water about five to six feet.
- C. Waring-that would fall just under the 50% rule bringing you to 48%.
- J. Rollins-I am using the same logic, last month that we used for the Ricci property, he has a lot of wood structure on the edge where the stone comes up and it follows pretty closely with what is there and that is pretty much what we used for our guide line last month.
- C. Kiely-is this going to be a floating dock?
- O. Tenney-yes something that is not going to be cemented in, something we can take out of the water, like our neighbors Ted Hansen.
- S. Molinelli-does this dock have legs?
- O. Tenney-it does not have legs.
- C. Kiely-the easy dock is the brand you are talking about it actually has poles that hold the whole thing together. The entire plat form floats but the poles are stationery. It has to be anchored to shore somehow.
- S. Molinelli-so when the dock is removed the poles come out with it?
- C. Kiely-yes and the dock breaks apart.
- J. Rollins-additional information I would like to see is where it is from the property lines.
- C. Waring-if you could submit to S. Eisenlohr another drawing with that information prior to our next month's meeting. Just show the lines going out to where the edges of your property lines are and the distance from those to where you are putting the dock.

**Motion** made by J. Rollins to **table** application IW#11-23, 203 West Wakefield Blvd, Map 113, Blk 120, Lot (s) 02, Zone: HLD. Installation of dock. Seconded by R.Nalette. **Vote:** all in favor, **Motion carried unanimous.**

## **Item #7-Other Business**

### **A. Town of Winchester Ordinance 162**

- C. Waring-there is an email from K. Nelligan. An email was sent from S. Eisenlohr asking whether or not the Ad Hoc Committee for revising the dock or mooring ordinance could limit revisions to specific items. The town attorney confirmed that yes the IWC can limit the review by sub-committee.
- S. Molinelli-this will eliminate any future issues that may arise.
- S. Eisenlohr-we can tell them that these are the items we want reviewed.

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

### **C. Bylaws Town of Winchester Inland Wetlands Commission amendments/revisions.**

## **Item#8-Agent Determination**

### **A.**

#### **Application: IW#11-10**

**Applicant: Christopher Perrault**

**Location: 26 Lovely St**

**Map: 115, Blk: 69, Lot (s) 2A, Zone: R-3**

**Proposal: Minor grading drainage repair within the upland review area**

#### **Discussion:**

- S. Eisenlohr-He wants to do some drainage work behind the house from the shed which is marked #6 on the map, putting some launderings in, going over to the west and you will see the dark line which is an intermittent water course. From his narrative he would just like to do some maintenance. I need to check with Public Works to see if he can tie into the catch basin.
- S. Eisenlohr-he is 100 feet away from the water course.
- S. Molinelli-so is this going to be an agent determination?
- S. Eisenlohr-public works went out and looked at it; he will be only working in his yard and not on town's property.
- J. Rollins-so the yard drain that he puts in will be within 100 feet of that intermittent water course. The dark line is the silt fence the intermittent water course looks like the wavy line that goes up to the shed.
- S. Molinelli-what conditions did you want to add?
- S. Eisenlohr-I don't know off the top of my head, I would definitely make sure he has permission from public works and that he maintains E&S controls.
- S. Molinelli-what kind of bond do you want?
- S. Eisenlohr-usual 1,000 bond.
- Commission agreed this would be agent determination.

## Item #9-Warnings

### A. Gilbert School-200 Williams Ave

#### Discussion:

- C. Waring-a warning letter was sent out October 12, 2011. I also called Lenard Engineering to let them know I was sending out a warning letter and they said they would be in touch with the school.
- J. Rollins-that is going to be a problem.
- S. Eisenlohr-I pulled the file and it was July 9, 2009 when I sent the last one.
- R. Nalette-why would you contact an engineering firm rather than the school?
- S. Eisenlohr-the school had hired Lenard Engineering to do the repair the first time.
- S. Molinelli-have they responded in a manner?
- S. Eisenlohr-no.

## Item #10-Violations

### A. None

- C. Kiely-the Toussaint property on East Wakefield Blvd I haven't seen anything on it, did you do an agent determination on that.
- J. Rollins-is that about the well?
- S. Eisenlohr-he came to me first, and I told him he would need a permit. The mortgage couldn't get approved until the well was dug.
- C. Kiely-is the E&S in place?
- S. Eisenlohr-yes and I will put that on the November meeting.

## Item #11-Communication & Bills:

### A. Chairman Report-

- S. Eisenlohr-in the packet there is a spread sheet off everyone's names, numbers and emails. Expiration dates are wrong and R. Haburey's phone number is wrong. S. Molinelli-can you go over the term expirations.
- C. Waring-R. Haburey, C. Kiely and C. Waring should be April of 2014 and the others are correct.
- S. Molinelli-are we any closer in replacing Jonathan?
- C. Waring-I have heard that there is some interest.
- R. Haburey-Gene Berlinski told me today that he is definitely interested.

### B. IWC Grant

- J. Rollins-no additional information

### C. Clerks Hours-None

#### D. Water Level Committee

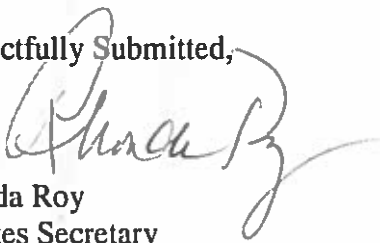
- B. O'Heron-at the last month S. Peacock mentioned that they were going to try to eliminate the 8 foot deep draw down because of the bog situation. I went to the the last meeting of the draw down committee which I presented them with a paper that I have attached in here. But basically I wanted to read to you what has happened since and it is a horrific mess. Subject is 2008 Board Of Selectmen removal of the four year water level draw done at Highland Lake and the IWC. B. O'Heron read for the record.
- S. Molinelli-just one comment, it is not a negative one but I would like it read into the record that you indicated that you want to read the letter into the record but you editorialized as you read it and that it is not an actual depiction of the letter and let the letter stand on its merits.
- C. Waring-first of all I would like to thank Brian for putting that information together because it is specifically what a few of us asked for last month, which was the exact information of what the different plans where. I guess my question to the rest of the commission, is if the water committee's next meeting isn't until next summer and there is no plan of what will basically be a draw down just a few months from that point. Do we have to wait for a plan to come to us? I don't know what our process would be in trying to make that decision happen faster.
- J. Rollins-maybe a letter from the chair that we would like to know what is going on.
- C. Waring-I have no problem with that, I guess what I am is saying is it mandatory that if the water committee makes a recommendation, does it come to us first then the Board of Selectmen and does the water committee have to make that recommendation?
- S. Eisenlohr-I can find out for out next meeting.
- S. Molinelli-two comments, once again I am hoping that B. O'Heron talked to C. Stevens, Board of Selectmen at the water committee meeting as an individual and not representing the IWC commission,
- B. O'Heron-in my report to C. Stevens I identified myself as B. O'Heron and not a member of IWC.
- S. Molinelli-the second thing is that there seems to be two understandings of when this current draw down expires. C. Stevens is under the impression that there is one more year. So being next summer is not "an alarming time frame for her if she is right" B. O'Heron is saying it's not one more year. So there is a discrepancy in that opinion.
- C. Waring-if that is her opinion then she is incorrect.
- S. Molinelli-I think it behooves inland wetlands to have an understanding where we stand on it. I would suggest that the committee authorize you to contact C. Stevens and have a conversation with her to clarify little things that are out there and if the recommendation has to come from the water committee to us then clearly June is too late.
- B. O'Heron-the town manager was asking Candy Perez to look into this, maybe two meetings ago. I haven't talked to the town manager I am working through S. Eisenlohr and he has updated the town manager. This is a very serious situation and we need to get it resolved. There were also conditions for the permit.
- S. Eisenlohr-read for the record conditions associated with draw down approval.

**Motion:** by R. Nalette, Jr. to direct IW agent to investigate the authority of the IWWC regarding the drawdown date as described in the letter dated October 19, 2011 from B. O'Heron, related to the chain of command between the BoS, IWWC and the ad hoc Water Level Committee and concurrently this committee directs the Chairman to address the issue directly with the ad hoc committee chairman, seconded by C. Kiely, **Vote:** all in favor-*Motion carries unanimously.*

**Item #12. Adjournment**

**Motion to adjourn:** at 9:40 p.m. by J. Reinert, Second by B. Haburey. **Vote:** all in favor - *motion carried unanimous.*

Respectfully Submitted,



Rhonda Roy  
Minutes Secretary

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The first part of the document is a letter from the Secretary of the State to the Governor, dated January 1, 1900. The letter discusses the state's financial condition and the need for a new revenue system. It mentions that the state is in a "critical financial condition" and that the existing revenue system is "entirely inadequate" to meet the state's needs. The Secretary proposes a new system of taxation, which includes a general sales tax and a tax on the inheritance of real estate. The letter concludes by expressing the Secretary's confidence that the Governor will support the proposed system.



Approved: \_\_\_\_\_  
 Secretary of State

Accepted: \_\_\_\_\_  
 Governor

J. B. [Name]  
 Secretary of State

[Signature]  
 Governor

J. B. [Name]  
 Secretary of State

