

SEP 29 2011

SHEILA S. SEDLACK  
TOWN CLERK OF WINCHESTER  
WINSTED, CONN.

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

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

338 Main Street, Winsted, CT 06098

***Minutes- September 21, 2011***

The meeting was called to order by Chairman Christopher Waring at 7:00 p.m. The following members answered roll call: Stephen Molinelli, Christopher Kiely, Sue Peacock, Brian O'Heron, Robert Haburey Jr and Scott Eisenlohr, Inland Wetlands Agent and (Ric Nalette Jr, marked absent excused).

- Jim Rollins Jr.-arrived at 7:04 pm

3. **Approval of Minutes 8/17/2011**

**Motion:** by S. Peacock to **approve** minutes for 8/17/2011, Seconded by S. Molinelli. Vote: all in favor-*Motion carries unanimously.*

4. **Agenda Review**

- S. Eisenlohr-would like to add Item D. Communication & Bills-Tatros Pond
- S. Molinelli-would like to add Item E. Communication & Bills-Highland Lake lowering.
- R. Haburey Jr-would like to add Item F. Communications & Bills-Gilbert School-collapsing of rock wall

5. **Old Business**

A. **Application: IWC#11-12 (approved)**

Applicant: Mark A. Ricci

Location: 738 Lake Drive

Map: 44, Blk: 107, Lot(s) 46, Zone: HLD

Proposal: Install Boat lift with canopy.

- M. Ricci- I have the up most respect for your work and the work you have done with Highland Lake. We tried to do our best to follow the rules and obtain the proper paperwork. I did find the application a little difficult. I submitted the paperwork and paid the fee and I was told by the clerk that every thing seemed to be in good order. Apparently I miss understood this to mean that I could install the boatlift and because I had the man power that weekend I put the lift in. The reason I wanted a lift is because last year my neighbors boat broke loose multiple times, which caused damage to my boat

and I had to have repairs during the fourth of July so after the repairs I wanted to have it in good shape. I didn't anticipate any issues. From what I can see other neighboring docks, frontage and shore line I thought everything would be fine. After the lift was placed in the water I was told there could be an issue along with a fine. All the paperwork I read I didn't see anything that said if you put it in before there would be a fine. I couldn't make the meeting in July, I was on a trip in West Virginia and in August I couldn't make the meeting because my dad fell and broke his leg. I was able to get enough man power and I took the boat lift out. I respectfully request consideration from the miscommunication and this being my first time being in front of the committee for any type of permit and to take that into consideration as far as the fee.

- C. Waring-there are two issues at play here with the application, one was whether or not the after the fact application fee and we can discuss that later, and the other was some consideration over whether or not the deck that you have right at the end of your property constituted a dock to be taken into account for your coverage area. I don't know how many others had a chance to go out and take a look at it or not. I actually was up there recently. In my opinion it's really right over the stone wall. So I do not think that it constitutes a dock per say. At the very end, at the bottom of the drawing, it looks like it is way out over the water, it actually is not. The first 8 to 10 feet of it might be a few inches past the edge of the stone wall.
- J. Rollins-I went up again today and I was actually able to look done and see what you were talking about and I agree. It looks like that whole entire area was built out into the lake.
- C. Waring-do you actually know the approximate date that you put the boat lift in.
- M. Ricci-after I applied for it, I called the clerk and they said all the paperwork looked in order, I think it was around June timeframe.
- C. Waring-and for the record the application was submitted on May 3, 2011.
- S. Molinelli-I noted that also that it was submitted on May 3<sup>rd</sup> and the first meeting that the M. Ricci should of attended would have been the May meeting. I don't recall that there was any presence at the May meeting. My notes seem to indicate that on June 11<sup>th</sup> the application was tabled until July and extended to August and we are seeing it now. You may have taken it on May 3<sup>rd</sup> that everything was ok so did you purposely not attend.
- C. Waring-in your records do you by any chance have the minutes from the May meeting or the agenda from the May meeting.
- S. Molinelli-lets simplify it, where you at the May meeting.
- M. Ricci-no I wasn't.
- B. O'Heron-you did make a comment that the clerk said everything looked in order.
- M. Ricci-yes, I didn't realize that you applied for the permit, came to the meeting and waited another month before things got approved.

- S. Molinelli-why don't we deal with this in good faith, make a determination whether he followed the appropriate procedure and whether the boat lift would have been allowed or disallowed.
- S. Eisenlohr-I told the applicant to be prepared to pay the after the fact fee.
- M. Ricci-in everything I have read there is nothing in there that said anything about an after the fact fee. There is a lot of miscommunication. I have multiple calls to the office and I really didn't get any phone calls back. I'm not going to say that it is the entire town. I know the \$500 is a penalty for putting it in early but I'm not really sure why that penalty is in force, it is in the same spot where I put my boat and the whips. It's better for the lake being out of the water. It's extra money that I shelled out for it to protect my boat. I would have never put it in if I knew there was going to be a fine.
- B. O'Heron-I am kind of siding with you because we don't tell people, I didn't even know we had a December 1<sup>st</sup> draw down. It was changed and it doesn't give people enough time over Thanksgiving and Christmas. We do have a problem with telling people up front one way or another, what the rules are. We have this problem and it needs to be fixed.
- C. Waring-I can understand with M. Ricci saying that it's not entirely his fault or the towns fault I agree with that. In my opinion I would vote towards waiving the fee in this particular case.
- B. Haburey-when you went and looked at it, is it something you would of past from the beginning.
- J. Rollins-now that I look at it, I think it meets the ordinance, he has 37% coverage, it seems like the location doesn't interfere with any navigating issues. I think it meets the criteria. My issues with it have been addressed.
- S. Peacock-I don't have a problem with this. What I have a problem with is why has this been dragged out for five months. If we were going to approve this, why are we dealing with it five months later? It should have been done up front, this is the type of thing that wastes our time as a commission. We have two applications in front of us that have been for five months, I think we need to have a better process of processing these applications. As far as the after the fact fee, my question on that is if there was a problem with this and we dragged it out five months, why wasn't that boatlift out of the water when the problem began. If we are going to have an issue and bring it to this point for anybody, if there is a violation then deal with it when the violation happens.
- R. Haburey-when were you notified to take it out.
- M. Ricci-I wasn't notified to take it out; I was notified that there could be an issue and they are looking at the calculation.
- S. Peacock-and who said that? This isn't his fault.
- J. Rollins-it should come out until the permit is approved.

- S. Eisenlohr-M. Ricci was away on business the first month, so we extended, last month his father was in the hospital. So he does have 135 days for us to act on this application. So tonight you do have to make a decision.
- C. Waring-a show of hands for those who wish to waive the after the fact fee, S. Peacock and J. Rollins opposing.
- J. Rollins-I think it should be stated in the motion and why.

**Motion:** by S. Molinelli to approve Application #11-12 Mark A. Ricci, Proposal: Install Boat Lift with Canopy Map: 44, Blk: 107, Lot(s) 46, Zone: HLD, second by B. O'Heron, one abstain S. Peacock, 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 bond of \$-0- be submitted to the Inland Wetland Office before construction begins.

14. After discussion the committee determined that the after the fact fee should be waived in this particular instance.

**B. Application: IWC#11-13 (approved)**

Applicant: Timothy Zwick

Location: 139 Newfield Road

Map: 42, Blk: 154, Lot(s) 21B3, Zone RU-3

Proposal: To change the location of the proposed driveway.

- C. Waring-in our packet we have a revised plan. Last month we had asked for additional information to make it a more formal plan.
- T. Zwick-everything you had asked for is on the plan.
- C. Waring-from what I can see everything looks good.
- J. Rollins-what were the items we wanted to have on it.
- S. Eisenlohr-E&S controls was the first item, cross section of the check dams, showing them at 75 foot intervals, complete detail of the rip rap and swale adjacent to the driveway.
- S. Molinelli-who is monitoring the slopes.
- T. Zwick-the engineer.
- S. Molinelli-so we can make that a condition.
- J. Rollins-it doesn't show us anything about the swale running along the driveway.
- T. Zwick-that section is cut into the lines.

- J. Rollins-so what is it a rip rap swale, vegetated?
- T. Zwick-it is rip rap
- S. Peacock-is that where it says 6 to 12 modified rip rap swale.
- J. Rollins-sort of that is where the upper and lower one comes together and where it discharges into the existing water course. How wide and how deep is that?
- T. Zwick-it is about three feet wide and pretty sure it is two feet deep.
- J. Rollins-it is showing a foot deep all the way. What is the side slope on that? Looks like 30 feet, 3.5 feet, top is 10, 9 probably.
- B. O'Heron-if this is the final plan, and the engineer signed it, is there a reason why it might have to be another foot here and there.
- J. Rollins-I guess the purpose behind my questioning is, you need to know what your building in order to build it and when there is no dimensions on it, it shows we have 24 inches down below something here, this swale is 12 to 18 inches deep. This shows the engineering has been done to show that it is size properly. There is a lot of math that goes into sizing that swale and if there are no dimensions on it, we don't even have a cross section on it, there are some random dimensions here and there. Are way of knowing is that it has been designed to handle the flow is the fact that it is dimensioned in such that if something goes wrong we can say this was designed to be a foot deep and three feet wide , the cross section shows that you should have filter fabric under it.
- B. O'Heron-I am trying to figure out how does the engineer know that he is suppose to do that and do they normally do that when they do these drawings.
- J. Rollins-typically I would have a cross section, is there fabric underneath that rip rap.
- T. Zwick-no
- J. Rollins-if you look at the E&S book it is in there. We have asked for this and don't seem to be getting it.
- T. Zwick-everything you asked for is on there.
- S. Eisenlohr-if another person was doing this plan they wouldn't know to put fabric under the rip rap or not.
- J. Rollins-the single thing missing on this drawing is the detail for that swale.
- B. O'Heron-I think the clearer we can be upfront for these applicants it would make it a lot easier for all of us.
- S. Eisenlohr-the applicants engineer did have an outside engineer review this and he covered all these items and I think the reason it isn't on the plan is because he knew he was going to be the contractor for this project.
- B. Haburey-for example if he is the contractor on site and all of a sudden he cant do the job, this would be the plan that we have so another contractor would do by this plan and now those controls are not in it.
- S. Molinelli-is it reasonable to address some of these issues as conditions. We approve the Aurora Project with 97 conditions.
- C. Waring-if it is made as a condition can we also make it a fact that a finalized drawing be submitted to the wetlands office and wouldn't have to come back to us but would go to S. Eisenlohr so it's on record.
- S. Molinelli-put a high enough cash bond it so we know it is going to happen.
- S. Peacock-did S. Hayden look at this plan and S. Hayden found it to be fine.

- T. Zwick-yes
- B. O'Heron-I would rely on the engineer's signature.
- Review of items requested on new plan.
- S. Peacock-the uphill swales have a 2 inch stone check dams at 75 foot intervals.
- J. Rollins-it changes were he has an erosion control blanket which is on the steep portion and then from there on all it shows is a line but he does give us a detail up above and it says it has 2 inch check dams every 75 foot intervals and I think that is fine, if you look at where the swale discharges down into the watercourse , where that says 2 to 1 slope going from the driveway downhill towards that area maybe it's me but I don't see any erosion control at the toe of that slope anywhere. So that should be a condition
- S. Eisenlohr-I have that in my conditions.
- B. Haburey-where is says the erosion control blanket where it starts with the modified rip rap, is that blanket going under the rip rap to the end.
- T. Zwick-it is supposed to go through the swale and down into that slope.
- J. Rollins-so that continues the whole way.
- T. Zwick-right
- B. O'Heron-is S. Hayden an engineer.
- S. Eisenlohr-no he is an E&S specialist and a soil scientist, he can recommend E&S controls for that type of soil.
- J. Rollins-so I would say we do not have a complete detail of the rip rap swale adjacent to the driveway so we need to condition that it does get put in.
- S. Eisenlohr-you look at it from a construction end and I look at it from an enforcement end.
- T. Zwick-so did you want another cross section of that swale.
- J. Rollins-yes and it should show whether there is fabric under it, those are the details that should be on there, these are pretty generic.
- S. Eisenlohr-so we are looking for the detail of the rip rap adjacent to the driveway.
- J. Rollins-yes a typical cross section of that swale.
- C. Waring-S. Eisenlohr is working on condition 21, which would be providing details of the rip rap swale adjacent to the driveway.
- S. Eisenlohr show cross section of swale and rip rap adjacent to the driveway showing all the dimensions, detail and to scale to be submitted to wetland agent prior to construction.
- S. Molinelli-you indicated a three to four month work process, when do you plan to start.
- T. Zwick-next year, June or July.
- J. Rollins-we have an existing problem on that property already, what are we going to do about that.
- T. Zwick-that is in court right now with the people I bought the property from. That was supposed to be fixed before the closing and it hasn't. They got an extension through my lawyer when I had the closing because it closed on December 31<sup>st</sup>. It was supposed to be done 60 days after and it still hasn't been done. It is supposed to be done this year, and they are supposed to be rip rapping it.
- B. O'Heron-so if that doesn't get done does that affect us in any way.
- T. Zwick-it isn't by the new driveway.
- B. Haburey-that is going to have to be a condition.

- J. Rollins-that is where I was heading. That should be a condition of approval that it is been stabilized. Do you know what their plan is to stabilize it?
- T. Zwick-they are supposed to rip rap it.
- J. Rollins-and who came up with that plan.
- T. Zwick-there plan is to stabilize it. It hasn't slid in over a year now I want it regarded but if it is regarded it will slide again.
- S. Eisenlohr-if you are going to take something to court you should take our plans; have it stabilized per our engineered plans.
- T. Zwick-we already did that once and the whole thing washed out.
- J. Rollins-if it was stabilized per the engineered plans it would have been a 2 to 1 slope not 1 to 1.
- T. Zwick-it was 2 to 1 at one time and then they regretted it which made it a 1 to 1 slope.
- J. Rollins-my point is we have a problem that needs to be stabilized, how do we condition that into it.
- T. Zwick-it is pretty much stabilized right now I just want it to look better. It hasn't moved in over a year. It is all vegetated now.
- C. Waring-being that it is already in the court system can we really put a condition on this plan for another area of the property to have something done for it that courts may not be done with there part of it. He's not going to do it if someone else is going to pay for it or should be doing it.
- J. Rollins-I think it would be a pretty good leverage in court if you can do something if something else needs to be done.

**Motion:** by C. Waring to approve Application #11-13 Timothy Zwick, Proposal: to change the location of the proposed driveway. Map: 42, Blk: 142, Lot(s) 21B3, Zone: RU-3, second by S. Peacock, two opposed J. Rollins & R. Haburey 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 bond of \$3,500 be submitted to the Inland Wetland Office before construction begins.
14. Provide a sample/brand name, etc...of the material to be used as the primary method for stabilization of both cut and fill slopes on this project prior to the start of excavation.
15. Inland Wetland Agent approves E & S controls prior to construction.
16. Stumps are not to be buried on site and are to be legally disposed of off site.
17. Owners and contractors will be making daily site inspections during the upcoming rains and will monitor whether or not additional measures will be required as well as providing maintenance of the existing soils and erosion control measures. Owners and contractors will implement additional soils stabilization and erosion control measures above and beyond those indicated on the drawings, in response to the heavy rains and associated runoff.
18. Per plan, grading and permanent stabilization must be finished in the wetland and setback areas of the drainage swales, driveway and all cross culverts. Any slope protection be

- installed and stabilized per plan and inspected by the Inland Wetland Agent before excavation of house foundation and septic system begins.
19. Any rip rap areas that become filled with silt will be restored to the Enforcement Officer/Inland Wetland Commission satisfaction before CO issued for the house.
  20. Provide a shallow diversion at the top of the cut slopes to keep "clean" storm water runoff from getting on exposed soil. Shallow diversion to be stabilized as determined by applicant's engineer, Northwest Conservation District or Inland Wetland Agent. See 8-10-11 email from Northwest Conservation District amended 8-17-11 by Inland Wetland Agent Town of Winchester.
  21. Show cross section of swale and rip rap adjacent to the driveway showing all the dimensions, detail and to scale to be submitted to wetland agent prior to construction.

## 6. New Business

### A. Application IWC#11-18

Applicant: Jan Cohn

Location: 812 W Wakefield Blvd

Map: 038, Blk: 111, Lot: 002A, Zone: HLD

Proposal: Replace collapsing concrete retaining wall and adjacent stairs

- Representing applicant-Tim Traub of Hemlock Construction.
- T. Traub-the project involves the removal of collapsing cinder block wall and the adjacent stairway and the construction of an engineered segmental concrete block wall and stairway. It is imperative that the existing wall is removed prior to spring thaw. The wall will be in imminent danger of collapse after the freeze thaw cyce.
- Jan Cohn she lives out of town. The plan is pretty much to put back what is there if feasible. This is something that was on the property that she purchased years ago. There is a proposed coping wall, proposed stairway and existing concrete stairway. What she is proposing to do is put a wall back in this location.
- S. Molinelli-do you need a drawn down to do this work.
- T. Hemlock-not at all.
- S. Peacock-how are you going to go about getting that wall out of there when it is all broken down
- T. Hemlock-there is a proposed temporary concrete barrier wall.
- S. Peacock-that is close to the house right?
- Hemlock-yes it is pretty close.
- J. Rollins-this is a good plan, a nice narrative that calls out all the issues, easy to follow well drawn. The only thing from a wetlands standpoint we have run into this a couple of times where is the town property line.
- S. Eisenlohr-it seems funny that when the applicants want to improve the town property for their benefit they can't but in this case when the applicant needs to improve it for the town they can.
- C. Waring-any material that needs to be removed is that going to go directly into a truck and there are no stock piles.

- T. Hemlock-yes we will be taking it out of there.
- C. Kiely-out of curiosity is the fence at the top is that going to be somewhat decorative.
- Hemlock-as of right now she has asked for chain link.
- J. Rollins-is that a code thing or is that something she wants.
- Hemlock-I think you have to have a chain link there.
- S. Peacock-are you going to start this project right away?
- T. Hemlock-we think it should be done by the spring thaw.
- S. Eisenlohr-does anyone see anything on the application that we would want to address?
- Commission-No

**Motion by S. Peacock to Accept Application IWC#11-18, Applicant: Jan Cohn, Location: 812 W Wakefield Blvd, Map: 038, Blk: 111, Lot: 002A, Zone: HLD, Proposal: Replace collapsing concrete retaining wall and adjacent stairs, second S. Molinelli. Vote: all in favor, Motion carries unanimously.**

**B. Application IWC#11-19**

Applicant: Jeffrey Loureiro

Location: 212 Perch Rock Trail

Map: 114, Blk: 105A, Lot: 11&12, Zone: HLD

Proposal: repair or replace existing lawn w/treks or equal deck along sea wall

- Jeffrey Loureiro-I have a poured concrete seawall along the lake. Last winter it rotated the wall and this year it is actually leaning into the lake. I think I can repair it by excavating behind the wall on the plan I show some precise concrete blocks about five feet behind the wall and epoxy anchor to hold it in place. The second part of it is while I am digging it up I currently have grass, I would like to put something in there I was looking at decking material such as treks, running parallel with the lake so I don't cut clippings into the lake and any property run off would go into the ground.
- C. Waring-in your plans it looks like you've got crushed stone and filter fabric underneath the deck.
- J. Loureiro-yes with the deck boards running parallel to the wall.
- C. Waring-your plan having the deck boards right on the ground level on top of the stone or any gap in between.
- J. Loureiro-the gap would be the joist and then deck board on top of that and the stone coming under the bottom
- C. Waring-it looks like you're getting them pretty close to ground level. You are looking to have the first 14 feet from the wall back and your current lawn area, right now it looks like you get out 18 feet there.
- S. Molinelli-I am looking at the length of your dock, it says it goes out a mile and a half.
- J. Loureiro-that has been there. The other think I am requesting is on the drawing you can kind of see a concrete pier that is out into the lake that the fixed part of the dock sits on, I think it was two years ago they raised the lake before the ice was completely gone and the ice shifted that pier, I can't do it in this drawn down but I might be able to in the next deep drawn down. I think I might have to cut it or hammer it out and get that pier

out of there and build a new one about three feet over where it is in line where it is suppose to be.

- J. Rollins-it moved it about 3 feet.
- J. Loureiro-yes, my neighbors dock was completely destroyed. My neighbor has an engineered dock and he usually takes it out, but it was a deep draw down so he left it.
- S. Molinelli-a few of your neighbors have been able to drop pound piers and all of their docks have survived.
- C. Waring-so there are three things here, repairing of the fractured wall and tying it back into the property itself, the deck over the seawall and replacing of a pier.

**Motion** by S. Peacock to Accept Application IWC#11-19, Applicant: Jeffrey Loureiro, Location: 212 Perch Rock Trail, Map: 114, Blk: 105A, Lot: 11&12, Zone: HLD, Proposal: repair or replace existing lawn w/treks or equal deck along sea wall, second S. Molinelli. Vote: all in favor, *Motion carries unanimously.*

### **C. Application IWC#11-20**

Applicant: Town of Winchester, Public Works

Location: Willow St

Map: 116, Blk: 071, Lot: 13

Proposal: Walker Field Access parking lot

- J. Rotondo-Public Works
- J. Rollins-is there any wetlands near that.
- S. Eisenlohr-I have it on here because it may need a permit from P&Z and approval from DEP and honestly I wasn't sure. I think if the pipes were added to the end but they were added to the beginning but they are in the parking lot where there is no wetlands but they are installing catch basins and hooking up to existing catch basins. I just wanted to bounce it off you first.
- J. Rollins-they don't have any wetlands and there is no watercourse anywhere near them.
- S. Eisenlohr-no there isn't. If you don't think it needs a permit that is what I am looking for and I wanted to run it through the regular process.
- S. Peacock-do we get involved with catch basins elsewhere in town if they are not near a wetland or watercourse.
- S. Molinelli-there is no detail in the proposal so I think we need to reflect why an application is not needed.
- J. Rollins-it has been noted in the motion.

**Motion** by J. Rollins that permit is not required for application 11-20 because it is not within 75 feet of wetlands and 100 feet of a watercourse, second by S. Peacock. Vote: all in favor-*Motion carries unanimously.*

## 7. Other Business

### A. Town of Winchester Ordinance 162

- C. Waring-I took the information that we had come up with over the last couple of months and I tied that to the existing ordinance and just kind of wrote in some notes about which sections of the ordinance those particular items would affect. I wanted to pass this out for this month and have everyone take a look at it, go over it and make notes on it. I want to be sure because that will determine if we go ahead with things, that we can open it up to specific sections of the ordinance for review.
- S. Molinelli-wouldn't it make sense to find out if we can open and be selective, because if not, some where I wrote that we need to hear from K. Nelligan if that is appropriate and if its not why waste the time.
- S. Eisenlohr-If it goes to adhoc committee and gets carried away it would be our jurisdiction to say no that is not what we wanted. I think we should give them the information that we are looking for and come back with what we are looking for. Have them revise the items we give them.
- S. Molinelli-then you are asking the committee to spend four or five months of meetings when K. Nelligan may turn around and say you can't do it that way.
- C. Waring-the question to ask then is it feasible, possible, and legal to only open up particular sections of the ordinance and not the entire ordinance and amend the entire ordinance base on those reviews.
- S. Molinelli-and I would like to see that in writing.
- S. Peacock-regarding our discussion last month about getting the highland lake residents provided with the rules of the lake. I called Dick Labich he had five things that he mentioned, first of if we wanted to put an insert in it could be done in one of the news letters and that goes out to over 700 people and if I was front and back, one page wouldn't cost anything they would just insert it into the news letter. He also said winter would be the best time to do that. This information goes out four times a year. He mentioned several other things that there has been an issue with the narrows on the lake, there have been complaints about speeding through the narrows and damage to the walls. They were getting pretty close to having some sort of ordinance or fine that boats would have to go through the narrows at a weak speed but right now it is still up in the air and the new Town Manager and Police Chief are both involved in this and already to go on it and then it got reversed. They were approaching it due to possible liability to the town if somebody was injured going through there.
- B. O'Heron-from what I understand there is a DEP rule that they can not go more than 6 miles per hour through there.
- S. Molinelli-my understanding of that rule is if boats if they are 100 feet from shore can be aggressively riding. Jet ski's have to be 200 feet from the shore. So the narrows are 237 feet and a jet ski going dead \*ss going down the middle of it speeding is in violation because at 237 puts them closer to one side or the other side.
- S. Peacock-that is why the police chief had gotten involved in this because it goes against our ordinance which states the 100 feet and 200 feet. They have backed off from it I guess there is a great amount of opposition to doing anything. I find it interesting that other lakes that I have been on when you hit your narrow spots they have markers out

there and you have to slow down. Also the fact that in our ordinance we have that every dock is suppose to have a house number on it and right now they don't even have house numbers on properties around town and it is basically seen as not enforceable.

- B. O'Heron-I think that is for when new docks come in and not on the old ones. The ordinance just asks for them on new docks.
- C. Waring-when people put in new docks it is in the conditions.
- S. Peacock-I will get back to D. Labich on that one.
- R. Haburey-you mentioned that the Lake Journal goes out four times a year; can we put an insert in every time it goes out?
- S. Peacock-yeah sure, you could print something front and back and possibly even two pages to go in but because of the distribution of this letter you don't have to be a member of the lake association to get it, everybody that is in the water shed gets it. It is very quite informative.
- R. Haburey -we really don't have to put in specific items however we should make a notation that if you plan on doing anything on the lake you need to go to the Town Hall.
- S. Molinelli-did you call him as individually.
- S. Peacock-I called him because we were having a wetlands meeting tonight and I wanted to find out and talk about the news letter and I told him that we are looking at the ordinances and that we were finding a few glitches and possibly trying to amend them. He also mentioned that they are very concerned about the song horse out in the middle of the lake, because evidently people have been using it and there is PVC under the water holding up the horse and boats have gone through there with their tubes or whatever and have broken it off and it has become a dangerous liability. So he has had complaints and people calling about it. He was suggesting that perhaps in our ordinances no one goes through that course unless you are pulling a skier and actually seeing that course. My comment was that course actually goes right down the middle of a bay and takes up a lot of water space for very few people that use it and how can you dictate that the people on the lake can not use water space when it is a very busy bay with a lot of water traffic on it. My thought was the liability there is with the ski club who puts it out in the water and to put something out there that is safe. That isn't going to have broken PVC or whatever.
- J. Rollins-did they have a permit to put that out there and who did they get the permit from,
- B. O'Heron-they got a permit from DEP.
- S. Peacock-it is no longer where they originally set it up; it is much further out into the lake. It is done the center of first bay. It is a wonderful tool for skiers that can handle that course but it takes up a lot of space. It really isn't fair for the highland lake association or the wetlands commission to monitor that course.
- C. Waring-and I would love to see someone enforce that as well as the speed limits.
- S. Peacock-the speed limit was the last one, we have a 44 mile an hour speed limit on the lake, but D. Labich did point out the fact that most of the jet skies go much faster than that and that is being enforce either.
- B. O'Heron-when the police are out they chase them done but they are not always there.
- S. Molinelli-I think there is a danger when individually members of this commission approach D. Labich on behalf of the commission. I think it is opening up interpretation, personal issues, and impersonal issues. D. Labich represents an organization, if he believes there are concerns that he should bring to this commission then he should

comfort and make statements to the commission. Speeding on the lake is not an issue with us; the slalom course is not an issue with us. I don't think D. Labich should take for this commission; we can't let this organization supplant the responsibility of this commission or the towns'. They have a role let them stay within their role.

- B. O'Heron-I second that, I think you have to be very careful. If there is a law that says you have to go 6 miles an hour than there is nothing we can do about that. They do have a permit from the state for that slalom course.
- S. Peacock-the only reason I called D. Labich was because we wanted to find out in the last meeting about how to get information out to the lake people. The rest of this came out and as a commission I think we should know.
- C. Waring-and looking at it the news letter is the only thing that applies to us.
- S. Molinelli-would it be an appropriate suggestion from the chair or S. Eisenlohr to ask him to invite to write a letter to the news letter so that I would come under the signature of a chairperson or enforcement agent and not be perceived as the association telling the people how to go about applying for a dock or something.
- C. Waring-it would be an insert in the news letter but coming from us.
- R. Haburey-can we as members get an issue of that.
- S. Molinelli-you can be asked to be put on the mailing list as a wetland member and I would think they would accommodate you.

**B. Town of Winchester Inland Wetlands Regulations**

- J. Rollins-we have somewhat addressed the regulations. B. O'Heron keeps bringing up points for streamlining. I try to pick those out and keep an ongoing list of those because there are a lot of ways that I don't know how they fit into the regulations but to clarify them. We can't change the regulations because they are a state regulation but if we can clarify them then they may get a little more user friendly.
- S. Eisenlohr-they are looking for a member for us.
- C. Waring-I haven't seen anything in the selectmen's minutes.
- S. Eisenlohr-I will leave on until next month.
- C. Waring-if we could get copies of it for next month for our packets.
- S. Peacock-it would also be nice to have contact information for the commission members and the terms.
- C. Waring-the terms are actually on the Town's website along with some phone numbers although some of them have not been updated.
- S. Eisenlohr-I will have the list updated with, phone, cell phone, email addresses and term dates.

**C. Bylaws Town of Winchester Inland Wetlands Commission**

- Waring-maybe include C. Kiely's leave of absence in December, 2/3 vote is needed
- The commission would like a copy of the by laws in their next packet.

8. **Agent Determination**

**A. Application: IWC# 11-10 (tabled)**

Applicant: Christopher Perault

Location: 20 – 26 Lovely Street

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

Proposal: Minor grading drainage repair with in the upland review area.

- Chris Perrault-not present
- S. Eisenlohr-I have public works look at it to see if public works was responsible for it. I told him to draft up something because our next meeting would be the end of his extension and we would have to make a decision on it.
- C. Waring-so he is going to be drafting up the additional information that we originally requested.
- S. Eisenlohr-you had questions about the shed.
- C. Waring-you should let him know to be prepared seeing it is his last meeting. If anyone hasn't been up there and needs to take a look I would suggest doing that over the next month.
- J. Rollins-I couldn't find it.
- S. Eisenlohr-if you are going up Lovely St, it would be the first brick house on the right and the project is out behind it and goes out to the creek that runs under the street.
- J. Rollins-and what is being done there?
- S. Eisenlohr-actually public works is suppose to maintain the catch basin that is almost by Pratt St. He wanted to maintain an existing ditch, the berm of the ditch broke because of storms and he wanted to make sure the town was going to fix it. I was told by the town that they never had to fix it before and that they are not responsible for it.
- R. Haburey-who's property is it on, is that part of Batchelor School.
- S. Eisenlohr-that is a good question, because the ditch that I looked was near the driveway, more of a gravel opening through the woods it isn't really a driveway.
- C. Waring-I would definitely make sure he gets something in for next month's packet so we aren't looking something fresh at the next meeting.

**Motion** by J. Rollins to **table** item Application: IWC# 11-10, Applicant: Christopher Perault, Location: 20 – 26 Lovely Street, Map: 115, Blk: 69, Lots(s) 2A, Zone: R-3  
Proposal: Minor grading drainage repair with in the upland review area, second R. Haburey, Vote: all in favor, *Motion carries unanimously.*

**B. Applicant: Tammy Ashner IWC#11-21**

Location: 152 Danbury Ort Rd

Map: 008, Blk: 155, Lot: 06Y-D

Proposal: thinning woodlands

- Tammy Ashner-Applicant Not Present
- C. Waring-this goes along with the letter and map in our packet.
- S. Eisenlohr-a registered forester did an application for permitted harvesting.
- J. Rollins-permitted use or as of right use.
- S. Eisenlohr-this is an application for an as of right use, when I looked at this, he was crossing a stream but I think it says that both of them have been crossed before. He was going to have small saplings in the intermittent stream. I didn't know if you wanted me to approve this as an agent determination or if you wanted it to become before the commission.
- C. Waring-it looks like the first one is an existing rock.
- S. Eisenlohr-he will be working in a different area and he wasn't to put timbers in the second stream harvest timber and then pull out.
- J. Rollins-the only input we would have is that you make sure that it stays stabilized.
- S. Eisenlohr-his last sentence states does this require full application that is why I am bouncing it off this commission. I don't see why I couldn't do an agent approval he is an approved forester.
- C. Waring-any conditions that we would make would be for you to keep an eye on it.
- J. Rollins-I think the only condition you should put on it would be to make sure that you able to check the site to make sure it remains stable at all times.
- S. Molinelli-do you need a bond.
- S. Eisenlohr-I usually collect a \$1,000 bond when I do an agent approval.
- S. Molinelli-is there any fee involved in this type of permit.
- S. Eisenlohr-yes same fee as any other permit.
- S. Molinelli-so you are going to collect that as well.
- S. Eisenlohr-yes.

Motion by J. Rollins to approve as an agent determination with stabilization of the site, Applicant: Tammy Ashner IWC#11-21, Location: 152 Danbury Qrt Rd, Map: 008, Blk: 155, Lot: 06Y-D, Proposal: thinning woodlands, second by B. O'Heron, Vote: all in favor-Motion carries unanimously.

9.

### Warnings

10.

### Violations

A. Mr. & Mrs. Joseph Muscolino, 546 W. Wakefield Blvd. (remove)

- C. Waring-this was the issue with putting stone/sand into the lake bed.
- S. Eisenlohr-I was up there and the stone was used for landscaping to set his stepping stones going to his dock. There is no stone in the lake. I doesn't look like there is any

sand in the lake although it looks smooth on the left side and not so smooth on the right side and looks pretty consistently with everyone else.

- J. Rollins-what about the vegetation on that lower level, it doesn't look like it is very well established.
- S. Eisenlohr-the only problem is to the left of his dock, there is no stone or wall there so it continues to erode away a little bit. The vegetation is there.
- J. Rollins-as long as it is stable. Is it the house the tree fell on it?
- R. Haburey-I think it is the next one over.
- S. Peacock-it is four down, the tall yellow one.
- S. Eisenlohr-I would recommend removed it from the violations.

**Motion** by J. Rollins to remove from the violations 546 W. Wakefield Blvd, second by S. Molinelli; due to the fact that S. Eisenlohr did fact find that there was no violation in question. **Vote:** all in favor-*Motion carried unanimously*

- S. Peacock-how did it come on this list anyway.
- S. Eisenlohr-I saw piles of stone there and I sent him a letter because I could never get a hold of him.

11. **Communications & Bills**

A. Chairman Report

- C. Waring-chairman's report-we are currently looking for another member
- R. Haburey-I actually mentioned it to a gentlemen and he is going to think about it. He was a member before, Gene Berlinski.

B. IWC Grant/Steap Committee – Ad hoc committee start grant writing/Jim Rollins

- J. Rollins-we are having meetings on small cities grants, anything that I looked at as far as grants are really important things but there is no money. I was at a meeting with DEP, Farmington River Watershed. There is basically no money for grants.

C. Clerks Hours

**Motion** by R. Rollins to pay 4 hours to the clerk for the minutes of 8/17/11 second by S. Peacock, one opposed R. Haburey, **Vote:** all in favor – **motion carries.**

D. Taros Pond

- S. Eisenlohr-the dam is in need of repair, we are trying to come up with some kind of plan that the commission can approve, there isn't much detail, we have a list of items that are needed for this, such as repair and grubbing, we have it all priced out, the goal is to seek grants from the grant committee, the project cost is \$297,000. I think it would be better if we sent this to the committee as shovel

ready. I could write up an approval saying that any modifications have to be approved by the wetlands agent.

- J. Rollins-do they have to go through DEP for this.
- S. Eisenlohr-it comes through us first then see if you can pursue some grant money. They aren't getting very far because it isn't shovel ready.
- J. Rollins-it won't be shovel ready until it is approved by DEP.
- S. Eisenlohr-it's not the dam that is leaking it's the concrete overflow.
- R. Haburey-is that town property.
- S. Eisenlohr-yes.
- B. O'Heron-at one time they were trying to get volunteers.
- S. Eisenlohr-the Elks stock the pond for the fishing derby.
- B. O'Heron-no I meant like volunteers like M, Hamm, construction volunteers.
- S. Eisenlohr-it isn't a task that will take a day it is going to take several weeks, they talked about draining it, and it's a big job.
- S. Molinelli-If you want to present it to us, and then present it in a meaningful way that we can objectively deal with it.
- S. Eisenlohr-would anyone like copies of this?
- J. Rollins-I would then at least I can give you feedback as to what I think we need on it to get it to that point.
- S. Eisenlohr-I think what they really want to fix is the overflow.

#### **E. Lake draw down/ Hurricane/Emergencies**

- S. Molinelli-I think the town lowered the lake in anticipation of an abundance of rain that would have been related to the results of the hurricane. Whatever they did apparently worked. There after a week or so after, the weekend or two before Labor Day for some unknown reason the lake was lowered again. I don't know of anything that preceded it, and I am going to firm in that I knew nothing about it. I called D. Labich and he indicated to me that there was a reason for it to happen and it was a result of some kind of damage to the spill way road and it was an emergency. I told him I didn't think it was his responsibility to tell me that the town took an official act. I would have been comfortable if I had read it in the newspaper that an emergency existed and as a result of the emergency some precautionary steps need to be taken. If I had known about it I could have taken my boat off the lift and tied it off and used it for the weekend. My personal feeling about it is that either the wetland agent or the town manager, somebody has a responsibility to notify the newspapers that for a variety of reasons. Put something in the paper whether I read it or not is not the issue it is there and the town has fulfilled a courtesy and a responsibility of informing people of an action. That's why I asked it to be put on the agenda because I don't want it to happen again the way it happened.
- J. Rollins-did they do it properly the first draw done for the hurricane.
- S. Molinelli-which you sort of anticipated for the reason why.
- J. Rollins-how much did it go down.
- S. Molinelli-a foot.
- J. Rollins-a foot makes that much of a difference for a boat lift.

- C. Keily-Highland lake usually doesn't fluctuate more than a few inches.
- J. Rollins-I would of guest it at several feet.
- S. Molinelli-if the boat lift drops to its lowest point, then you might not be able to drive on it.
- J. Rollins-I thought the were set to accommodate like five feet.
- S. Molinelli-yeah if you set the legs at five feet, but you set the legs based on your water front. If you have a six foot deep water front then yeah you see the legs at 4½ or 5 feet. If you have like 3 feet of water front then your legs are very low to the ground because when the boat lift drops it gets close to the grown, when you loose a foot of water under it that is have of your buoyancy. As a homeowner I would like not to see it happen again unless there is notification.
- C. Waring-where is that decision made.
- S. Peacock-it was made at public works. The second time I heard it was because they were repairing the spill ways. A lot of people were concerned because, like in our case the water was down below the top of our pier but once the water goes down below a certain level because of the stone wall; we can't get the docks out.
- S. Eisenlohr-you understand that the roadway is the cap on top of the dam, and the black top started to erode and it would saturate the berm.
- S. Molinelli-they lowered it to the level of the spillway which were accustomed to that in a lack of rain season. Once you go below that significantly it impact on us and just like B. O'Heron said, just tell us.
- R. Haburey-maybe there should be a bulletin board that would state when the drawn down is.
- S. Molinelli-this has nothing to do with the draw down.
- S. Peacock-they had signs everywhere that said don't swim and don't use the water.
- S. Eisenlohr-I will inform them that they have to put something in the paper.
- J. Rollins-I like the idea of posting the next scheduled drawn done and any emergency drawn done has to be put right over that. It's a pretty simple thing to do.
- R. Haburey-it could be easily mounted on that shed.
- S. Eisenlohr-I will notify public works and the town manager.
- S. Peacock-even if they start now with the fall drawn down, the letters have to be big enough to see, drawn down date and how much.
- B. O'Heron-I for one didn't not it was going to be November 1<sup>st</sup> for years it has been in October. I don't know who makes these changes but changing the date for these people is a very serious thing. It is hard to loose a couple weeks when you need to do any repairs.
- S. Peacock-the draw done committee is meeting this month and I'm sure if anyone wanted to sit in on that meeting that you would be very welcomed to.

**F. Rock wall at Gilbert school**

- R. Haburey-I was up there last week and I notice some of the wall is collapsing not were is was before but a little further up. It looks pretty dangerous to me.
- J. Rollins-they is were the wall is pretty high.

- C. Waring-they had an application in front of us a couple years ago.  
J. Rollins-what they did was put rip rap at the base of that and we told them that was not a permanent solution. Do we need to make a motion to send a letter to them to repair that?  
S. Eisenlohr-I can send them a letter.

**Motion** by J. Rollins to authorize S. Eisenlohr to issue Gilbert High School a letter that the wall is deteriorating and they need to get busy with the previous plan to repair it, R. Haburey second. **Vote:** all in favor-*Motion carries unanimously.*

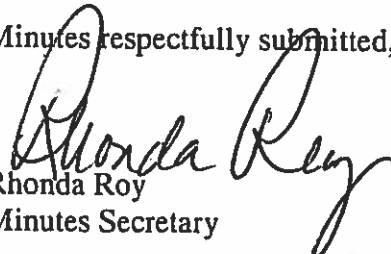
**G. Jeffrey Toussiant-656 E Wakefield Blvd**

- S. Eisenlohr-Jeff Toussaint, he is drilling a well, the applicant filled out an application for an agent approval. They are going to drill the well and pull the process out and restore the area back to its original condition.
- C. Kiely-have you seen it.
- S. Eisenlohr-I actually went by this afternoon. They have silt fence up and I told them make sure you maintain those fines, if those spread out they spread like wild fire in water.

**Item 12. Adjournment**

**Motion** by C. Waring to adjourn at 10:00 p.m. Second by J Rollins. **Vote:** all in favor – *motion carried unanimous.*

Minutes respectfully submitted,

  
Rhonda Roy  
Minutes Secretary

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1. The first part of the document is a letter from the Secretary of the State to the President of the Senate, dated January 10, 1877. It contains the following text:

Dear Sir: I have the honor to acknowledge the receipt of your letter of the 7th inst. in relation to the proposed amendment to the Constitution of the State, and to inform you that the same has been referred to the Committee on the Constitution, and they have reported thereon to the Senate on the 27th inst.

The Committee on the Constitution have reported to the Senate on the 27th inst. that they have examined the proposed amendment, and find it to be in conformity with the provisions of the Constitution, and they recommend its adoption. The Senate has since that time held several sessions, and has taken up the proposed amendment for consideration. It has been read and discussed at length, and the result has been a vote of 18 yeas and 12 nays, which is a majority of the whole number of members of the Senate, and therefore the amendment has been adopted.

The proposed amendment is as follows: "The Governor shall be elected by the people for a term of four years, and shall hold office until the first day of January next following the day of his election."

