

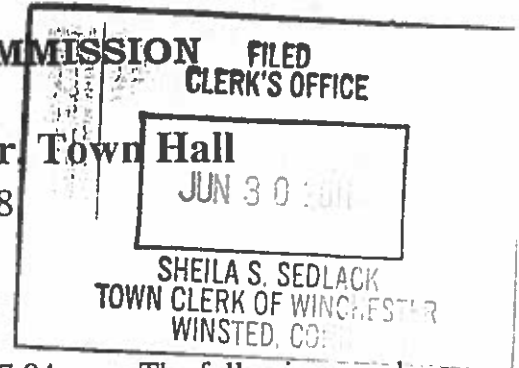
Town of Winchester
INLAND WETLAND & WATERCOURSES COMMISSION

June 15, 2011

7:00 PM, P. Francis Hicks-Room, 2nd Floor, Town Hall

338 Main Street, Winsted, CT 06098

MINUTES 6/15/2011



The meeting was called to order by Chairman Christopher Waring at 7:04 p.m. The following members answered roll call: Stephen Molinelli, James Rollins Jr, Robert Haburey Jr., Christopher Kiely, Ric Nalette Jr, Sue Peacock (absent excused), Brian O'Heron (absent excused), Jonathan Reinhart (absent) and Scott Eisenlohr, Inland Wetlands agent.

3. Approval of Minutes 5/18/2011

Motion: by R. Nalette Jr to approve minutes as amended for 5/18/2011, Seconded by C. Kiely,
Vote: all in favor-*Motion carries unanimous.*

(bullet 8 pg 6 says rebuild should say repair)

4. Agenda Review

- S. Molinelli would like to add vacuuming of highland lake catch basins.
- C. Waring-we will add it as item D under other business.

5. Old Business

A. Application: IW#05-24 (Modification) (approved)

Applicant: Scott Reed
Location: 23 Griswold Lane
Map: 25, Blk: 153, Lot(s) 127-128, Zone: RU-3
Proposal: Modification

Discussion:

- S. Eisenlohr-provided the commission with a planting plan, which was approved by Charlie Carroll, Winchester Fish & Game Club dated 5/20/11 and received on 6/6/11.
- C. Waring-it looks like in the draft motion for this which is the first page, that the original 16 conditions date January 21, 2009 are also included and apply to this proposed modification.
- R. Nalette Jr-do we need to collect a cash bond and what type of excavation will be going on? Are they installing the walls or is this just the plantings?
- S. Eisenlohr-we collected a bond for the walls, this is just for the plantings.
- S. Molinelli-is the bond still in affect?
- S. Eisenlohr-yes we still have it.

Motion: by R. Nalette Jr. to approve Application: IW#05-24 (Modification), Applicant: Scott Reed, Location: 23 Griswold Land, , Proposal: Modification of site plan for Inland Wetland Commission. Seconded by C. Kiely. **Vote:** all in favor, one abstain S. Molinelli, **Motion carries.**

Map: 25, Blk: 153, Lot(s) 127-128, Zone: RU-3, 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. The 16 conditions approved on 1-21-09 are also included and apply to this proposed modification.
15. Plan approved by Winchester fish & game Club President Charlie Carroll dated 5-20-11

B. Application: IWC#11-07 (approved)

Applicant: Kevin R. Daly

Location: 204 East Wakefield Blvd.

Map: 114, Blk: 105B Lot(s) 137,138, Zone: HLD

Proposal: Replacement of existing dock and existing 6' fence

Discussion:

- Mr. Daly is present.
- C. Waring-S. Eisenlohr-do you have any additional information.
- S. Eisenlohr-yes, have you see the attached draft motion in front of you?
- C. Waring-for everyone that is reading through this in our dock and mooring ordinances there is the ability if you look at item 16 for the commission to grant a waiver for a dock and what that means is if we feel changes made to the dock are in the best interest of the lake are a reasonable change that can be made and there are other hardships. In this case the waiver would cover a couple of different things, the first being which would be the dock would be in the littoral boundary buffer, it is also going to be a little bit smaller in foot print size.
- S. Eisenlohr-I think the original size was 54 feet.
- S. Waring-in the conditions it also has the incorrect sections, it should be 7c and 7e.
- S. Molinelli-maybe I misreading it but there is conflict in 7f, it says in no event shall a permit be granted that will result in the crossing of the littoral boundary.
- C. Waring-they won't be crossing the littoral boundary; he will be within 10 feet.
- S. Eisenlohr-that is why I include item 15 in the motion, the location is pre-existing.
- C. Waring-we discussed all that at the last meeting, if it was being repaired or replaced in that same location, using the same structure basically, so in that case it is grandfathered in. In my opinion it is coming in a little bit shorter than what the original was, which is good because it will be less of a navigational hazard.
- C. Waring-how far back does the seawall come in and cut across and is that where the dock latches on.
- K. Daly-about six feet.

- C. Waring-so it actually sits back from where the rest of the seawall goes across the property, so as far as actual length out onto the lake you take that actual 50 feet that it is and take the six feet off of that and that would be what it really is out into the water.
- S. Eisenlohr-I tried to negotiate with Mr. Daly, I wanted to see the 40 foot walkway and the 10 x 10 float, he really wanted to leave the 4 x 4 transition area there because I think that is the section that hinges the float on it to pivot.
- J. Rollins-if I recall the existing dock that was there was three foot wide, so now we are increasing that to four foot wide and also allowing the same length?
- S. Eisenlohr-no it is shorter.
- J. Rollins-how much shorter?
- K. Daly-it was 58 feet long and 3 feet wide, it will be 50 feet long including the 10 x 10 float and it will be 4 foot wide in the fixed transition area.
- S. Molinelli-the six to eight feet on the land is that factored into the 50 feet?
- S. Eisenlohr-it isn't on the land it is recessed into the land.
- J. Rollins-what is the reason for keeping it beyond the 40 feet?
- K. Daly-so it's safe to jump off the end of the dock.
- C. Waring-let's talk about the removal of the fence and the planting of hedges.
- S. Eisenlohr-I drafted that into the motion, the applicant will be removing 35 feet of existing fence and replace with 4 to 5 foot hedges.
- R. Nalette Jr-do you know what type of bushes you will be planting?
- K. Daly-my first choice would be holly bushes.
- S. Molinelli-I think we need some specific language in the motion that talks about what the waiver is allowing him to do. We are in a grey area when we are talking about a waiver, lets be specific about why we are granting the waiver.
- S. Eisenlohr-the waiver is addressed in item #16.
- S. Molinelli-lets decide what 7 c and f is.
- C. Waring-it should be 7 e.
- R. Nalette Jr-there were two issues addressed last month regarding the waiver, section e which brings in item 5.
- C. Waring-waiver wasn't discussed last month.
- S. Eisenlohr-that is why I put item 15 in, the locations hasn't change and it is in the littoral boundary and we are trying to bring it into more compliance and the only item we can't comply with is the littoral boundary.
- J. Rollins-is this the only spot on the property that this dock can go?
- K. Daly-yes, there are rocks of significant size and where the boatlift is I would have to tear out a wall to move the dock.
- C. Waring-we will have to come up some wording for additional conditions to clearly state the reason for the waiver. Include due to the hazards in the water limited location possibilities for other structures that currently exist. Reducing size making it closer to compliance.

Motion: by C. Waring to approve Application #11-07 Kevin R. Daly, Proposal: A. Replacement of existing dock and existing 6' fence. The applicant is hereby withdrawing his request to replace existing

privacy fence. The applicant will remove 35' of existing wood fence closest to the Lake on western boundary and replace with 4' to 5' tall hedges/brushes. B. The applicant request waiver of Sec. 162. second by J. Rollins, two abstained S. Molinelli and C. Kiely. Vote: all in favor, *Motion carries*.

Map: 114, Blk: 105B, Lot(s) 137,138, Zone: HLD 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 \$ -500- be submitted to the Inland Wetland Office before construction begins.
14. The trees should be planted 2' from property line and maintained in a way to prevent branches from encroaching beyond property line.
15. The plan as modified complies with #8 Pre-existing Structure/Object of proposal is more conforming as to float size and dock length than previously existed.
16. The Inland Wetland Commission grants a waiver from 7.c and 7.e and believes allowing such waiver will be in harmony with the general purpose and intent of this ordinance.
17. 1. Bring dock closer in line with our current wetlands dock ordinance 162 2. Due to hazards in the water the length of the dock and the encroachment on the littoral boundary is necessary. 3. Due to site conditions and other pre-existing structures leaves no other suitable are for the location of the dock.
18. The revised dock size as of 6-15-11 is 3 12' x 4' sections lengths x 4' x 4' transition section and 10' x 10' float totaling 50' in length.
19. Registration/Authorization form for docks, buoys, swim floats, walkways and boatlift authorized be submitted to the Inland Wetland Office before being installed reflecting revised dock size.
20. Plantings should not include any non native or invasive species as defined in the Northwest Conservations.

C. Application: IWC#11-08 (approved)

Applicant: Griffith Energy Services, Inc.

Location: 22 Rowley Street

Map: 111, Blk: 70, Lot(s) 26, Zone: CB2

Proposal: Remediation of petroleum-impacted soil and groundwater, including Excavation, dewatering of impacted soil and groundwater and DEP-approved injection of RegenOx.

Discussion:

- Russell Dirienzo Principal Geologist-Arcadis.
- R. Dirienzo-I will be overseeing this remediation.
 - What this does is it oxygenates the ground water activating the bacteria that is there naturally and that bacteria eats the oil. The bacteria is very important in the process of degrading contaminated ground water. This process accelerates it. It has no potential to impact the water course or wetlands. It only has the influence of five feet, it doesn't go beyond where you put it. Sodium is the stabilizer so it acts up to six months to a year.
- Brian Lowry-Environmental Scientist-Arcadis.

- C. Waring-most of concerns was we didn't know what Regenox was, how it was going to be used and what it's by products are. You mentioned that it will typically continue working up to a year.
- R. Dirienzo- yes, then we would do a second injection if necessary. Under DEP we are required to test every 30 days, then 75 days, 90 days and quarterly and thereafter for a year. Our plan is to monitor this for at least three years.
- C. Waring-so the Regenox injection is only going to be done on the Rowley street side, corner of the building.
- R. Dirienzo-we are going to add it directly to the excavation.
- C. Waring-the other question we had last month was in the area of the excavation how is the river wall going to be shored up to prevent any possible erosion factors. We have a lot of problems in that area with the wall.
- R. Dirienzo-we will not be digging below the footings and we are five feet away from the wall. We are going to do a 2 to 1 slope. We will be digging in that area but backfilling immediately.
- S. Molinelli-hypothetically, this product that you are injecting you are doing a periodic evaluation if one of the tests indicates that this is going beyond where you had intended it too, is there anyway to remediate that.
- R. Dirienzo-the remedy would be pumping, because pumping gives you hydraulic control and yes you could control the plume. All studies show that this does not cause plumes or migrate further than they are.
- S. Molinelli-so there is a way to control?
- R. Dirienzo-yes, and I am 99.9% sure it will not happen.
- J. Rollins-so when you are totally done you submit the report to DEP.
- R. Dirienzo-yes I stamp the report once I have met the remediation standards and that will be in a couple of years.
- J. Rollins-on the site where the wall has collapsed, there is a plan for repair. Has there been any cross talk between you so you are not in each others way and that there work is not going to affect what you have done.
- R. Dirienzo-yes there has been a lot of communication.
- R. Haburey-what goes into the sewer.
- R. Dirienzo-the heavy contaminated soil in the ground water, that gets treated that goes to the sewer. We have a permit from the DEP and permit from the Town. Basically what is going into the sewer is clean water.
- J. Rollins-what is the surface area being excavated?
- B. Lowry-the excavation area is about 50 x 50.
- J. Rollins-what is the proposed erosion control?
- B. Lowry-I have on the map that we can put a silt fence.
- S. Eisenlohr-how long do you think the whole process will take, once you have excavated and backfilled?
- B. Lowry-a good week.
- J. Rollins-any ideas on the bond?
- S. Eisenlohr-possibly a couple thousands.

Motion: by R. Nalette Jr to **approve** application IW#11-08, Applicant: Griffith Energy Services Inc, Location: 22 Rowley St, Map: 111, Blk: 70, Lot (s) 26, Zone: CB2, Proposal: Remediation of petroleum-impacted soil, including excavation, dewatering of impacted soil & groundwater and DEP-approved injection of RegenOx. Second by J. Rollins, one abstain S. Molinelli. **Vote:** all in favor, *Motion carries.*

Map: 111, Blk: 70, Lot(s) 26, Zone: CB2 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 \$ 2,000.00 be submitted to the Inland Wetland Office before construction begins.
14. Owners and contractors will be making daily site inspections during the upcoming rains and will monitor whether or no 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.

D. Application: IWC#11-11 (approved)

Applicant: Marc Murphy

Location: 147 West Wakefield Blvd.

Map: 113, Blk: 121, Lot(s) 12, Zone HLD

Proposal: Install safety fence along waterfront, close proximity to road with 4 foot gate, post & rail with wire mesh.

Discussion:

- Applicant Marc Murphy present.
- C. Waring-I think the only suggestion that was made last month was put the post for the gate in concrete.
- M. Murphy-Pleasant Valley Fence is on board with that.
- C. Kiely-the town has no problem, is there an easement and do you have to be 15 feet from the town's property?
- C. Waring-do we need a bond?

Motion: by R. Nalette Jr to **approve** Application #11-11 Marc Murphy, Proposal: Location: 147 West Wakefield, Blvd, Map: 113, Blk: 121, Lot(s) 12, Zone HLD, Install safety fence along water front, close proximity to road with 4 foot gate, post & rail with wire mesh, second by C. Kiely, **Vote:** all in favor- *Motion carries unanimous.*

Map: 113, Blk: 121, Lot(s) 12, Zone: HLD 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. Fence must be on constructed on applicant's property and not on Towns.

E. Application: IWC#11-12 (table)

Applicant: Mark A. Ricci
Location: 738 Lake Drive
Map: 44, Blk: 107, Lot(s) 46, Zone: HLD
Proposal: Install Boat lift with canopy.

Discussion:

- Applicant not present.
- S. Eisenlohr-informed commission that applicant wasn't prepared and will submit new map next month also if anyone would like to walk the property with him to let him know.

Motion: by R. Nalette Jr. to **table** Application #11-12 Mark A. Ricci, Location: 738 Lake Drive, Map: 44, Blk: 107, Lot(s) 46, Zone: HLD, Proposal: Install Boat lift with canopy, Second J. Rollins
Vote: all in favor-*Motion carries unanimous.*

F. Application: IWC#11-13 (table)

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.

Discussion:

- Applicant Timothy Zwick present.
- C. Waring-read for the record letter from S. Hayden dated 6/15/2011.
- S. Eisenlohr-the bank continues to erode.
- J. Rollins-has S. Hayden look at the comparison from the proposed new location.
- T. Zwick-new driveway is much less of a grade.
- J. Rollins-the cut really needs to be addressed.
- S. Eisenlohr-applicant will go back to his engineer to see what the cost will be for the additional soil erosion and sediment controls.

Motion: by J. Rollins to **table** Application #11-13 Timothy Zwick, 139 Newfield Road, Map: 42, Blk: 154, Lot(s) 21B3, Zone RU-3, Proposal: to change the location of the proposed driveway, second by S. Molinelli,
Vote: All in favor-*Motion carries unanimous.*

7. Other Business

A. Town of Winchester Ordinance 162

Discussion:

- C. Waring-last month we discussed coming up with ideas for the ordinances due to recent conflicts with applications and do we want to open up this process.

- J. Rollins-maybe we can limit it to certain things but we would still have to go through the same process. We could designate a subcommittee to address the areas we are having trouble with.
- S. Molinelli-maybe S. Eisenlohr could identify a couple of areas.
- S. Eisenlohr-we can start a list and go from there.

- B. Town of Winchester Inland Wetlands Regulations - possible amendments/revisions.
- C. Bylaws Town of Winchester Inland Wetlands Commission amendments/revisions.
- D. HLD catch basins

Discussion:

- S. Molinelli-advised the commission that some of the catch basins around E. Wakefield Blvd have been cleaned, however would like to see a schedule from Public Works.
- S. Eisenlohr-I will address a letter to Public Works regarding a schedule.

8. Agent Determination

A. Application: IWC# 11-04 (remove)

Applicant: Rick Hahn

Location: 444 East Wakefield Blvd.

Map: 32, Blk: 105, Lot(s) 80 Zone: HLD

Proposal: New foundation, 500 gal. Propane tank, Maintenance of existing stairs, minor landscaping and stump grinding within restricted area.

Discussion:

- Applicant not present.
- S. Eisenlohr-provided an updated map.
- S. Eisenlohr-minimal work being done.

B. Application: IWC# 11-10 (carry)

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.

Discussion:

- Applicant not present.
- S. Eisenlohr-applicant working on a better map.
- S. Eisenlohr-public works use to maintain that brook, and if they still do he may not need to as much work. I will be in touch with Public Works.

8.

Warnings

A. Mr. Neil Jenny, 151 Chapel Road – Pending Inland Wetland Application, citation issued.

Discussion:

- Applicant Neil Jenny present and apologized to the commission.
- N. Jenny-explained his side of the ongoing situation and felt that the trench has been there since the 50's and he was merely maintaining a trench that was located on his property.
- N. Jenny-would like to fill in this ditch, he feels this would resolve the problem.
- After a lengthy discussion along with Mr. & Mrs. Chatfield it was felt that this should be discussed with the Town Attorney.
- S. Eisenlohr-will schedule a meeting with K. Nelligan, Town Manager.

9.

Violations

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

- No action (carry item)

11.

Communications & Bills

A. Chairman Report

- No action (carry item)

B. IWC Grant/Steap Committee – Ad hoc committee start grant writing (J. Rollins)

- No action (carry item)

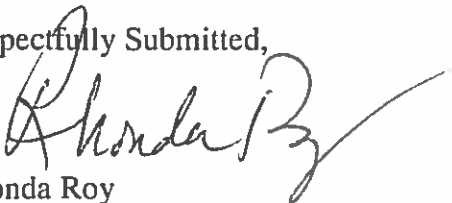
C. Clerks Hours

Motion: by R. Nalette Jr to pay clerk 6 hours for minutes 5/18/11, second by J. Rollins, **Vote:** all in favor, one abstain R. Haburey, **Motion carries.**

12. **Adjournment**

Motion: by C. Waring to adjourn at 9:45, second by J. Rollins. **Vote:** all in favor-**Motion carries unanimous.**

Respectfully Submitted,



Rhonda Roy
Minutes Secretary

