

WINCHESTER
Town of Winchester
INLAND WETLAND & WATERCOURSES COMMISSION

May 18th 2011

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

338 Main Street, Winsted, CT 06098

MINUTES 5/18/2011

FILED
CLERK'S OFFICE

JUN 6 2011

SHELDON SEDLACK
TOWN CLERK OF WINCHESTER
WINSTED, CONN.

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

3. **Approval of Minutes 4/20/2011**

Motion by J. Rollins to **approve** minutes for 4/20/2011, Seconded by C. Kiely, Vote: all in favor-*Motion carries unanimous.*

4. **Agenda Review**
• No action

5. **Old Business**

A. Application: IW#10-31

Applicant: Bernard L. Spence

Location: 612 East Wakefield Blvd.

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

Proposal: 154 'Gravel Driveway from East Wakefield Blvd to the rear of our cottage.

Discussion:

- S. Eisenlohr-information was received and the applicant would like to withdraw his application and the fee was not returned.

Motion: Motion by J. Rollins to **Approve Withdraw** of Application #10-31, 612 E. Wakefield Blvd. Proposal: Gravel driveway – E. Wakefield Blvd. to rear of cottage, second by C. Kiely, Vote: all in favor-*Motion carries unanimous.*

B. Application: IW#05-24 (Modification) (tabled)

Applicant: Scott Reed

Location: 23 Griswold Lane

Map: 25, Blk: 153, Lot(s) 127-128, Zone: RU-3

Proposal: Modification

Motion: by S. Peacock to table Application: IW#05-24 (Modification), Applicant: Scott Reed, Location: 23 Griswold Land, Map: 25, Blk: 153, Lot(s) 127-128, Zone: RU-3, Proposal: Modification until next month. Seconded by J. Rollins. **Vote:** all in favor. *Motion carries unanimous.*

C.. Application: IW#10-36 (approved)

Applicant: Peter C. Kores

Location: 18 4A Taylor Brook Rd.

Map: 43, Blk: 154, Lot(s) 18 4 A, Zone: RU-3

Proposal: Build new house

Discussion:

- Applicant Peter Kores present.
- C. Waring-I noticed in our packet we have a new set of plans. The changes centered around some requested changes to the driveway. It looks like the driveway is shaded in where the driveway is going to be paved. It looks like they put in three stone check dams. Are there any other changes that were made?
- P. Kores-a swale and the check dams.
- S. Peacock-is the driveway going to be paved or gravel?
- P. Kores-about ninety feet of it will be paved.
- S. Peacock-has S. Hayden reviewed these new plans?
- S. Eisenlohr-no, Mr. Kores gave it to his engineer with the letter from Northwest Conservation.
- C. Waring-the plans look pretty complete for what we asked for.
- J. Rollins-in what part of the construction phase will the driveway be paved.
- P. Kores-at the end.
- J. Rollins-my only thought is you have that grass swale and the check dams ending right where that pavement starts, so that will be your area of concern. That will have to be monitored closely. The paving I think is going to do just what we were hoping for.
- S. Peacock-will you have to remove much dirt up there?
- P. Kores-no not much, there's not much top soil, this area is rocky.

Motion: by S. Peacock to Approve Application #IW10-36, Build New House, at 18 4A Taylor Brook Rd., Map: 43, Blk: 154, Lot(s) 18 4 A, Zone RU-3, second by B. O'Heron, Vote: all in favor- *Motion carries unanimous.* based on testimony and subject to the following conditions:

Conditions 1-12 are standard Inland Wetland Commission conditions

13. Cash erosion & sedimentation Control Bond in the amount of \$ 2,000 be submitted to the Inland Wetland Office before construction begins.
14. Inland Wetland Agent approves E & S controls prior to construction.
15. Excess material to be disposed of off site or stock piled outside all regulated areas and enclosed with erosion & sedimentation controls.
16. The installation of the driveway, improvements to the existing roadside swale, and any drainage swales on the uphill side of driveway and all cross culverts, any slope protection be installed and stabilized per plan and inspected by Inland Wetlands Agent before any excavation of house foundation and septic system begins.

17. Any rip rap areas that become filled with silt will be restored to the Enforcement Officer/Inland Wetland Commission satisfaction before CO is issued for house.
18. Comply with the items addressed by the Northwest Conservation District letter of 4-19-2011 consisting of 3 pages.
19. Proposed driveway apron and location shall comply with Town of Winchester driveway Ordinance and the Planning & Zoning regulation.
20. The paving of driveway from per plan will prevent future erosion of driveway material and decrease any potential sediment discharging into stream that runs below the property.
21. Final plan approved by IWC dated 4/28/11 by C.C.A Engineering.

D. Application: IWC# 11-05 (approved)

Applicant: Peter Fratini

Location: 25 East Lake Street

Map: 114, Blk: 124, Lot(s) 113, Zone: HLD

Proposal: Build a 14' x 24' shed approved and install a 6' privacy fence.

Discussion:

- Applicant not present.
- S. Eisenlohr-this is the applicant we approved last month for the shed, I didn't think we had any issues with the fence, technically it is for the holes being put into the ground for the fence.
- C. Waring-yes I think what we discussed last month, we did approve the shed however I think our discussion on the fence was what where the zoning regulations for fences in the lake district, which is in our packet. I don't think there was any issue with the height he wanted. One thing that I did see that the zoning regulations had on fences was that they had to have a gap in them and not be solid. That falls under Planning & Zoning to make that final call. Does anyone have any questions regarding the position of the fence?
- J. Rollins-we do have some say as far as the fence goes, seeing it has the ability to block the view of the lake and whatever excavation is required.
- J. Rollins-I walked the property as well as the beach property, where he has that fence going is a very vegetated area to the point where you can't see through it anyway. I don't think there is going to be any impact.
- C. Waring-when you're looking from the street to the front of his house there is no view shed that would be blocked from the street and from the beach side you would only be looking into his back yard.
- J. Rollins-the only real issue would be with Zoning, did I read that right, he has to be two feet off the property line I would like to see vegetations stay, it makes a good buffer. They can certainly be pruned.
- S. Peacock-that was my only question, if he did remove the shrubs would it cause erosion. I agree with J. Rollins on that.
- C. Waring-I think just pulling them out would cause erosion.
- S. Peacock-so then fence would be inside his property. It is a six foot fence. Does it go any further than down the right side of the property?
- C. Waring-it basically follows the hedge row.
- S. Peacock-if it was along the water's edge it would have to be lower.
- C. Waring-that will be up to P&Z.
- S. Peacock-did you happen to talk to M. Melanson about this?

- S. Eisenlohr-the fence ordinance is pretty detailed and gives you what is required. How would you like to address the existing shrubs that are there?
- C. Waring-I think we could add it as one of the conditions.

Motion: by C. Waring to **Approve** Application #11-05 Peter Fratini. Proposal: Build 14' x 24' shed. Install 6' privacy fence. Map: 114, Blk: 124, Lot(s) 1B, Zone: HLD, second by S. Peacock. Vote: all in favor-*Motion carries unanimous*, 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. Existing hedges/shrubs are not to be removed, trimming and pruning is allowed.

E. Application: IWC#11-06 (approved)

Applicant: Rachel Sutin
 Location: 266 Perch Rock Trail
 Map: 32, Blk: 105A, Lot(s) 79-80, Zone: HLD
 Proposal: New dock and boat lift.

Discussion:

- Applicant Rachel Sutin present.
- C. Waring-in our packed we have an updated plan, for dock and boat lift, the 10 x10 section was moved to the left allowing room for a boat. There was some additional measurements supplied that we asked for. Other than that it is the same.
- S. Peacock-does it matter where the boat lift is located on the dock as long as it is not in the littoral boundary?
- C. Waring-it can't extend beyond the end of the dock.
- J. Rollins-when she fills out the dock registration card, It would be good to note the set of existing stairs in case they need to do work in the future.
- S. Eisenlohr-I will have her sign the up to date registration including the stairs.

Motion: by S. Peacock to **Approve** Application #11-06 Rachel Sutin, Proposal: Build new dock and boat lift. Map: 32, Blk: 105, Lot(s) 79-80, Zone: HLD, second by C. Kiely. Vote: all in favor-*Motion carries unanimous*, 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. No construction equipment allowed in the lakebed at any time.
15. Excavating in water not allowed.
16. No additional sand shall be added.
17. The plan as modified complies with Ordinance Section 162 and the applicant will conform to all other outstanding items in Section 162.

F. Application: IWC#11-07 (tabled)

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:

- C. Waring-there is an email from K. Nelligan, basically stating that, if the dimensions are changing, then a permit is needed and the new structure must meet all requirements of the current dock and mooring ordinances. As per plan that we have the plans are changing. The plan we have in front of us is well outside the dock and mooring ordinance. Have we gotten anything new from the applicant? If he kept the dimensions exactly the same, then he would have been grandfathered in.
- C. Waring-he could submit a new plan that has the same exact dimensions as what he had.
- S. Eisenlohr-If he is just rebuilding it as is, same dimensions.
- C. Waring-if we don't have anything from him; we can either table it until next month or deny it.
- S. Eisenlohr-he would actually like to withdraw it and I told him I wasn't going to and there would be no refund because we have already put a lot of time into it.
- S. Eisenlohr-if he rebuilds that dock and it doesn't comply and rebuilds it with new material that non conforming dock is going to last another twenty five years and the nonconformity will never go away. If he is bringing the float from 12 x 12 to 10 x 10 is that not bringing it closer to where we would like to be and if he takes the length from 42 to 40 are we not gaining headway on something? Another issue was removing the fence and replace with hedges/bushes. If he leaves the dock as is and doesn't change the dimension, it will be considered a pre-existing structure.
- C. Kiely-so he can't replace the dock but he can rebuild it?
- S. Peacock-I thought you could replace boards.
- C. Waring-read Sec. 8 of the ordinance, pre-existing/structure.
- J. Rollins-he has to build off the same footings; he can rebuild exactly what he has.
- C. Waring-we have the opinion from the Town Attorney so we have to abide by that. Bringing his plan into compliance was going to be really difficult because the section where the dock is well within the littoral boundary and he doesn't have any other place to put the dock because of rocks and things in the water.
- C. Kiely-so he can't change his dock, so he has to bring it into a different location?
- C. Waring-if he keeps the same exact dimensions, he will be fine and he can leave it exactly where it is.
- C. Kiely-he was not told that last month.
- J. Rollins & R. Haburey-agreed he was.
- C. Kiely-he wasn't told that if he kept it at 50 feet he could replace the dock.
- C. Waring-there was a question last month whether he meant repair or replace. He never gave us an answer. That is why we asked the Town Attorney his opinion.
- C. Kiely-no one stated to him that if he kept the exact dimensions that he could replace it. That is going to lead me to one more thing is his permit fee. He pulled the permit because he

- was told that he could replace the dock. If you had told him when he applied for the permit that he couldn't build a dock in the configuration he wanted he would have not pulled the permit. That concerns me that an applicant comes back and asks for their permit fee back because he was misdirected. I'm wondering if we should give the permit fee back to him.
- C. Waring-I would agree with that but the first thing I would do is, was he notified of the Town Attorney's decision of that.
 - S. Eisenlohr-yes.
 - C. Waring-I don't know if it has been made clear to him that if he wants to keep this application going we can table it this month and he can submit a new plan with a new dock that is in exactly the same location and exactly the same dimensions.
 - S. Eisenlohr-I am under the impression that he can rebuild that dock the same without a permit because it is maintenance. I would just get a new registration for it.
 - C. Kiely-rebuild or replace?
 - R. Haburey-we told him last month rebuild.
 - C. Kiely-I don't know how anyone would understand that. So if someone comes to S. Eisenlohr and says this is my new plan, it is the same thing that the satellite is showing and I am replacing it with all brand new parts, he is good to go.
 - R. Haburey-my impression of rebuild is to take a board here and there and replace it with a new one.
 - C. Waring-there is a couple parts to this; one is whether it is a maintenance issue where it is like replace some boards here and there but the overall structure is the same, which is a maintenance situation you wouldn't need permit for. However, he wants to pull the whole thing out and replace it. Even if it is exactly the same dimensions as what is currently there that grandfather's him in and gives him the ability to do that and to keep those dimensions. However, he still needs a permit for that because he will be pulling material out of the water, etc. S. Eisenlohr should go back to him and say gives us a plan for a dock that has the same exact dimensions as what you currently have brand new.
 - S. Peacock-if the pier needs to be bigger than the present pier that is under it, then that is not the same thing. He has to go in on the same piers and alls he is replacing is the total dock and it has to be exactly the same size.
 - S. Eisenlohr-he has to build off the same exact footings.
 - C. Waring-let's give him two options, either withdraw the application, refund the money and he keeps exactly what he has and does the maintenance or submit a plan for a brand new dock, exactly what he has, upon the same foundation, the same location and same dimensions and if that is the case he doesn't even need a permit for it.
 - C. Kiely-I think he will opt to do it if he can replace what is there. I was under the impression it was exactly what was there when we drew up the plans, but that is what he told us what was there.
 - S. Peacock-I don't think he wants to see us the third week in June, his notes states that once the new dock is delivered, installation will occur and complete will occur by the end of June.
 - C. Kiely- I told him originally he had to shorten in up to 40 feet but he said no he didn't he had spoken with S. Eisenlohr.
 - C. Waring-J. Rollins mention the whole fence tree thing and does he want to use the application for that or does he just want to completely withdraw it and not do anything with his fence/trees.
 - S. Eisenlohr-what he said to me was he wanted to replace his fence, and the fence is a six foot fence and it goes down to the lake, and between the zoning officer and myself we told him if he changes the fence and if it goes from wood to plastic then you are going to have to get a special permit for it. So he said forget it, I will take the fence out and sent me an email

saying he was going to remove the fence because I bounced landscaping off the commission last month and they said I could plant trees instead of the fence,

- J. Rollins-and we did.
- S. Eisenlohr-in my motion form, I made sure I put down the replacement of the fence with trees. He will be excavating holes for the trees.
- C. Waring-in the minutes last month at the end of the meeting he mentioned that he may also want to replace a six foot fence with a vinyl fence in the existing holes. There is nothing in the minutes about the plantings. We may have said that he could do that but we didn't say he could do it without a permit.
- S. Peacock-one thing we want for the records is photo graphs of the dock and pictures of that area there, so we are updated as to what has been done.
- S. Eisenlohr-why don't I leave it on for next month and I will tell him that if he wants to leave it as is we need a new registration.
- S. Peacock-are we going to let him go ahead with it now?
- C. Waring-as long as he isn't changing it he can do it anytime. We need more information about the fence and putting in the plantings. We need a drawing with the information. You can take anything out about the dock. We can use his application fee for the fence.

Motion: by to table Application #11-07 Kevin R Daly: Proposal: replacement of existing dock & privacy fence Location: 204 East Wakefield Blvd, Map: 114, Blk: 105B, Lot(s) 137 &b138, Zone HLD, second by J. Rollins, Vote: all in favor-one abstain C. Kiely. *Motion carries.*

G. Application: IWC#11-08 (tabled)

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:

- Applicant represented by Brian Small-Arcadis Corporation.
- B. Small-revised plan reflects wetlands and dewatering location.
- C. Waring-it looks like you moved the frac tank and everything to the west
- B. Small-yes west/southwest
- C. Waring-so this discharge is going much closer to the sewer.
- B. Small-yes there is an old pump and treat shed system there.
- B. O'Heron-have you gotten approval from the Town to discharge to the sewer?
- B. Small-I have approval from the Town to discharge into the sewer. A copy was provided for the record.
- C. Waring-one of the questions I have from last month, is in the soil excavation area, there are two outlines there, the outer and the inner, the outer outline gives approximate dimensions which include twelve feet deep, but then the inner outline say twelve feet deep as well.
- B. Small-the inner outline will be the deepest area.
- C. Waring-are there any other differences than the frac tank and the dewatering location.
- B. Small-no just those two.

- C. Waring-when will the plan be to start this?
- B. Small-probably in August.
- J. Rollins-I don't understand, could you explain this a little further.
- B. Small-basically what we have in that western corner, there is petroleum contamination there, so we propose to excavate it, move it off site and treat the ground water and discharge it to the sanitary sewer.
- J. Rollins-so this is an approval to discharge it to the sanitary sewer?
- B. Small-yes we have approval from the DEP to inject the ground water with RegenOx.
- J. Rollins-how far is the injection?
- B. Small-just into the groundwater.
- J. Rollins-what is the life expectancy of this once it's in the ground, history, etc and why have we chosen this method.
- B. Small-tests have proven that it cleans up petroleum contaminated groundwater.
- R. Haburey-does this have to go into the sanitary sewer.
- B. Small-yes this is the most logical place.
- S. Peacock-it says it lasts up to thirty days for a single injection.
- J. Rollins-what happens after that thirty days?
- B. Small-it breaks down the petroleum in the ground water.
- C. Waring-I think since there is time for us to look at this for another month, if we could get any kind of information on the Regenox, it's delivery method and as much scientific information you can provide us with, possibly a case study and what is the complete life cycle of it.
- Further discussion regarding the safety of the chemical and the proposed site excavation and how it will impact the river and the current wall that is in disrepair.
- Applicant will provide additional information regarding the chemical being injected and how close they will be working to the wall.
- C. Kiely-are these lines marked out at the site if not could they be?
- B. Small-yes we can do that.
- C. Waring-would like S. Eisenlohr to be in touch with Griffith to make sure the two projects time wise are coordinated.

Motion: by J. Rollins to **table** 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 C. Kiely, **Vote:** all in favor, *Motion carries unanimous.*

New Business

6. A. Application: IWC#11-11 (accept)

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. I have done a pretty significant seawall project, dock and deck project a little over a year ago. I have a very short strip of land that is about ten feet; I took some pictures of a car that went off the road and onto my property. What I really want to do is put up a safety fence, I have a one and half year old and a four year old and I want to prevent them from taking those five extra steps. It has nothing to do with privacy. I would like to think that I could get a fence beefy enough that would add to the current buffer which are the guardrails. The fence we were looking at is a cedar post and rail with the wire mesh tacked on the inside with a four foot gate. It will be the exact width of the seawall.
- C. Waring-so it would be just inside of the guardrails that are there?
- M Murphy-as close as I can get inside the guardrails.
- S. Peacock-our only real concern here is the holes for the fence.
- C. Waring-will these be hand dug?
- M. Murphy-yes they are three foot post holes, no cement involved.
- B. O'Heron-you can always check with Public Works maybe they can put in additional guardrails for safety.
- R. Haburey-you may want to consider putting the post for the gate in concrete, it may give it more stability.

Motion: by to accept 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 J. Rollins, Vote: all in favor-
Motion carries unanimous.

B. Application: IWC#11-12 (accept)

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.
- C. Waring-we have a drawing here of his existing dock, the boat lift is going to be 18 feet from the property line, he is well outside the littoral line.
- S. Peacock-this is pretty straight forward
- J. Rollins-look at the aggregate width, he has 50 feet of frontage and he has a wooden dock that covers 40 something feet. It is already existing.
- J. Rollins-this is the first time since with implemented the 50% rule that it is a problem.
- B. O'Heron-can this be grandfathered. He isn't really adding to it, he is putting it in the same footprint.
- J. Rollins-its aggregate width whether it is in the same footprint or not.
- C. Waring-read item 7D along with 13F.
- C. Waring-there is no harm in excepting it and if he wants to withdraw it next month.
- J. Rollins-are rule is we have to except it.
- C. Waring-we will accept it and let him know what the issue is and let him decide.

Motion: by J. Rollins to Accept 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 C. Kiely
Vote: all in favor-*Motion carries unanimous.*

C. Application: IWC#11-13 (accept)

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. The proposed driveway when I bought the property was on the far south side of the property. It isn't on those maps.
- S. Eisenlohr-provide a map of lots 3 & 4 for Bittersweet Ridge on Newfield Rd
- T. Zwick-pointed out on the map the proposed driveway on the plans.
- C. Waring-the original plans used the existing logging road as a driveway.
- S. Peacock-pointed out the wetlands crossing on the map.
- C. Waring-on this plan, it is actually going to a new house location, so you are really using the secondary driveway off the old plan.
- T. Zwick-I bought both lots and combined them.
- S. Peacock-is this wetlands up here and is this a stream?
- T. Zwick-yes it is an intermittent water course.
- S. Eisenlohr-lot four was approved by this commission and as you can see there was a lot of cutting into the slope of material. T. Zwick feels that he is going to be taking about twenty two hundred yards and hauling it off site. I think we talked about a high water table there; we talked about that slope continuing to bleed year round. T Zwick actually came in for a driveway permit he was using the driveway on lot 3, the driveway on lot 3 doesn't exist we had him use the driveway on lot 4. The only reason why was because driveway on lot 3 came across an intermittent watercourse, we decided to do the cutting on driveway lot 4 which would eliminated the wetlands crossing. T. Zwick came in an wanted to use the existing roadway, the logger put a pipe in which crossed through that and went up and did the logging. It was never proposed as a driveway.
- J. Rollins-a little bit of history on these sites, original a driveway was approved for every lot and what they had proposed if I remember was a little different than he had, it didn't go past the watercourse, it paralleled that watercourse all the way up so we had a giant disturbed area directly above that watercourse. Nobody like the idea so we recommended to them that if they were going to get two lots out of this they would have to share the driveway. Now that this is going to be one lot there's not going to be two driveways he won't be paralleling this watercourse. He will be crossing it and not disturbing anything uphill from it.
- R. Haburey-does it still leach out there?
- T. Zwick-yes pretty bad.
- J. Rollins-so what are we going to do to remedy this cut here?
- T. Zwick-it will be a much less slope that will be a 2 to 1 slope.
- J. Rollins-a 2 to 1 slope is still pretty steep and hard to vegetate. So what is the benefit to you for choosing this path?
- T. Zwick-I reviewed this with the engineer, there is a lot less site work to do, we won't have to make a gouge out of the soft side of the property. The driveway proposed would of been 14% grade, the new one will be 11%.
- S. Peacock-will this be gravel?
- T. Zwick-yes
- J. Rollins-is the septic staying as shown?

- T. Zwick-we have decided on that yet. It was suggested to me to move the septic to the areas that tested better.
- S. Eisenlohr-would you like to have S. Hayden take a look at this?
- Commission agreed.

Motion: by S. Peacock **Accept** 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 J. Rollins, Vote: All in favor-*Motion carries unanimous.*

7. **Other Business**

A. Town of Winchester Ordinance 162

- C. Waring-we obviously have some issues that we need to discuss on this. Do we want to discuss it tonight or put it as an action item next month? Where we can discuss forming a subcommittee.
- J. Rollins-it would be good to form this soon while everyone is here for the summer and get it done before people leave for the winter.
- B. O’Heron-unless it is a serious issue, I think we should think about it for a month, we could open up a can of warms.
- C. Waring-let’s talk about it next month, think about those sections.

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

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

8. **Agent Determination**

A. **Application: IWC# 11-04 (carry)**

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-he already submitted a map; I think this may be a mistake to be on the agenda. I think we just carried over.
- R. Haburey-I thought we said we need a plan because he was doing different things.
- S. Peacock-I had three things, foundation, map and landscaping in regulated area.
- C. Waring-do have the plan on this, because in the minutes it says J. Rollins said he would like to see the map at the next meeting.
- J. Rollins-we didn’t have a problem with the application approval, we just wanted to see the map.
- S. Peacock-is that the new map?

- S. Eisenlohr-no this is the same map as last month.
- S. Peacock-can you get this map for next month, where is the landscaping and is it in the regulated area? That is a pretty big property.
- C. Waring-last month the minutes stated that there was no relevant information regarding the foundation. I don't think we saw that plan last month.
- S. Eisenlohr-ok, I will keep it on, I will have him update this plan for me and send copies out for everyone in the packet.

B. Application: IWC#11-09 (remove from agenda)

Applicant: Steven Marcus

Location: 644 East Wakefield Blvd.

Map: 38, Blk: 107, Lot(s) 13, Zone: HLD

Proposal: Drainage work in regulated area to protect existing lake house.

Discussion:

- Applicant not present.
- S. Eisenlohr-this is the one when I told him the commission was going to approve this based on the new map, showing the tank was moved up towards the house and not down on the property. It was to collect sediment off the property.
- C. Kiely-when is he going to start that? I went by the other day.
- S. Eisenlohr-I can advise him that before he can start he needs to provide a map showing the new location of the tanks.
- S. Eisenlohr-so I can take this one off?
- Commission-yes

C. 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. Peacock-it seems like a lot of disturbance.
- J. Rollins-what was done there.
- S. Eisenlohr-he is proposing drainage work there because it never dries out.
- C. Waring-there is a shed on here too. Which is not spelled out in the application, item 6 on the plan is construct shed 12 x 12.
- J. Rollins-is he uphill or downhill from the intermittent watercourse.
- S. Eisenlohr-he is downhill.
- S. Peacock-his grading is going to be eight feet from the wetlands.
- S. Eisenlohr-if you want to look at it, I will carry it.
- C. Waring-I think we need to see it to make sure we know what exactly going on. Also he has the shed on here, if you can verify that he does want that. It's on the drawing but it's not in the description on the application.

D. Application: IWC# 11-14 (remove from agenda)

Applicant: Margaret Veronesi

Location: 173 Marshal Street

Map: 4, Blk: 152, Lot(s) 12x-7 Zone: RU-2

Proposal: Repair Septic System

Discussion:

- Applicant not present.
- S. Eisenlohr-the next one is up on Marshall St, this is an older home that had a couple of steel holding tanks and what is happening is the husband had passed away and now there are solids floating to the top of the ground. They had to do an emergency septic repair; I told them that I would get this out right away.
- S. Eisenlohr-Torrington Area Health has already approved it. They are going to try an abandon the tanks that are there. One was used one wasn't used.
- J. Rollins-this is not a bad site, the depth of the restricted layer is pretty deep, they are putting half the MMLS, they should have 900 sf of leaching area and they are providing 730 sf, actually that is not bad. Longevity wise this will probably be fine.
- S. Eisenlohr-I sat down with two engineers, this is the second plan which they provided, I wanted a more detailed plan for the commission.
- S. Eisenlohr-so we are ok with this one and can take it off.
- Commission-yes.

9.

Warnings

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

Discussion:

- J. Chatfield present provided a letter date May 18, 2011.
- C. Waring-basically where we were last month with this was that we were expecting this month to have an engineered plan for the remediation of the area on Mr. Jenny's property.
- S. Eisenlohr-the only updated information is per Mr. Jenny, he complied with the recommendation and Rob Colabella's letter by installing the stone check dams.
- J. Rollins-they are pretty minimal. The hay bails are not put in properly and the stone check dams are minimal.
- S. Eisenlohr-he stopped in the office and said he was not going with the engineered plan because of the cost. He said he was going to do the plan himself and present it to us.
- C. Waring-to this date you have not received such a plan. Mr. Chatfield handed out a letter with today's date.
- B. O'Heron-what do you recommend S. Eisenlohr?
- C. Waring-J. Rollins said himself the remediation put in was minimal at best and poorly done. So that is certainly one issue that we need to deal with.
- J. Rollins-we have looked at a bunch of pictures of the years. I don't think there was anything definitive on those plans that indicated the ditch was not there.

- S. Peacock-my thought on this is enough is enough, at what point do we say get this done and correct it. Or do we hire someone to go in and do it and send him the bill?
- J. Rollins-I agree with that statement too and the fact that he wants to present his own plan, normally I am cool with that but he has proven that he doesn't understand it enough to put the hay bales in right more than once. The check dams are too small. I don't have any confidence that he is going to give us a plan.
- S. Peacock-in our past history we have had these discussions on ongoing failures before, I don't know if we have gone as far as to hire somebody or if it was just talk.
- S. Eisenlohr-if we had bond money then he would be in violation of that then we could do something.
- S. Peacock-so our only other alternative is to start with fines.
- C. Waring-has there been a citation issues.
- S. Eisenlohr-this is where I am coming from with the fines, in February of this year, there is act concerning the liability of ZEO's in front of the legislative office, presented by the planning and development committee to prevent ZEO's from being sued. If I issue one, the owner could sue me personally. Once this is approved then I can issue the citation. I did tell Jenny we are going to issue it.
- C. Waring-is a new citation issued per time table.
- S. Eisenlohr-I can issue one daily.
- C. Kiely-what is our obligation here? Is it a civil matter or our obligation?
- J. Rollins-we have a violation in front of us which has dumped erosion onto someone else's property. I don't know what the process is to remediate that.
- S. Peacock-what if J. Chatfield puts the hay bales and silt fence on his property to stop it there.
- J. Chatfield-I could but there is a cost to that as well and that throws it onto me.
- B. O'Heron-can we seek a legal opinion?
- C. Waring-I agree with that, we need some sort of official legal opinion as to what our responsibility and power is of the situation. I think as far as what we can do as a commission is to continue to get Mr. Jenny to actually correct the issue on his property with the check dams and hay bales that have been incorrectly installed and fixing that issue. I agree with the citation issue and that is our ultimate power to getting this issue fixed.
- R. Haburey-our last month's recommendations was to submit an engineered plan which N. Jenny decided not to do, so now I feel it has become a civil issue and there is nothing further we can do. I recommend contacting the town attorney K. Nelligan.
- S. Eisenlohr-will schedule a meeting with the Town Manager, K. Nelligan, J. Chatfield and himself.
- C. Waring- would like S. Eisenlohr check on that citation issue daily.

10.

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. Ric Nalette, salt-calcium at Highland Lake – Public Works information
• No action (carry item)
- C. IWC Grant – Ad hoc committee start grant writing (J. Rollins) (carry item)
• Steap and Grant Committee now one.
• Committee met and submitted applications:
○ Restrooms at Ballfield
○ No submissions that pertained to Inland & Wetland
- D. Steap Committee update- see above
- E. Clerks Hours

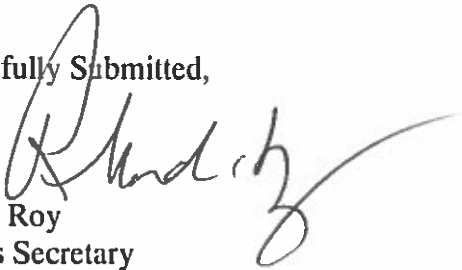
Motion: by S. Peacock to pay clerk 6 hours for minutes 4/20/11, second by J. Rollins, Vote: all in favor, one abstain R. Haburey, *Motion carries.*

12. **Adjournment**

Motion: by C. Waring to adjourn at 10:35, second by J. Rollins. Vote: all in favor-**Motion carries unanimous.**

Respectfully Submitted,

Rhonda Roy
Minutes Secretary



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1. The first part of the document discusses the importance of maintaining accurate records of all transactions.

2. It is essential to ensure that all data is entered correctly and consistently.

3. The following table provides a summary of the key findings from the analysis.

Category	Value	Percentage
Category A	100	25%
Category B	200	50%
Category C	150	37.5%

4.

5.

6.

7. The results indicate a significant correlation between the variables studied.

8. Further research is needed to explore the underlying causes of these trends.

9. In conclusion, the data supports the hypothesis that the variables are interrelated.