

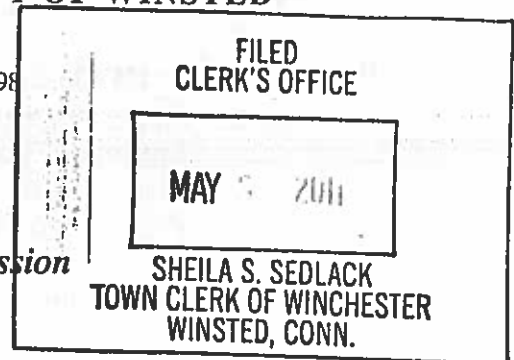


# TOWN OF WINCHESTER – CITY OF WINSTED

Town Hall – 338 Main Street

WINSTED, CONNECTICUT 06098

## *Minutes of Regular Meeting Inland Wetlands & Watercourses Commission April 20, 2011*



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, Brian O'Heron, James Rollins Jr, Robert Haburey Jr., Christopher Keily, Ric Nalette Jr and Scott Eisenlohr, Inland Wetlands agent, Jonathan Reinhart absent.

### Item 3. Approval of Minutes

- **Motion** by J. Rollins to **approve** minutes for 1/19/2011, Seconded by R. Nalette Jr, except (3) abstained, R. Haburey and S. Peacock and C. Keily. **Vote:** all in favor- **Motion carried.**
- **Motion:** by J. Rollins to **approve** of minutes as amended 3/16/2011, Seconded R. Nalette Jr, except (3) abstained, C. Keily, B. O'Heron and C. Waring. **Vote:** all in favor. **Motion carried.**

*(page 16, should read deposition not definition)*

### Item 4. Agenda Review

#### Discussion:

- S. Eisenlohr-I would like to add under **New Business** item 6B & 6C.
  - Kevin Daly-application IW#11-07-204 E. Wakefield Blvd
  - Griffith Energy-application IW#11-08-22 Rowley St
- S. Eisenlohr-and add under **Agent Determination** item 8B
  - Steven Marcus-application IW#11-09-644 E. Wakefield Blvd

### Item 5. Old Business

#### A. Application: IW#10-31 (tabled) requested to wait to May 18<sup>th</sup> meeting

Application: Bernard Spence

Location: 612 East Wakefield Blvd

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

Proposal: 154 'gravel driveway from E. Wakefield Blvd to rear of our cottage.

**Motion:** by R. Nalette Jr to **table** application IW#10-31 (tabled) requested to wait to May 18<sup>th</sup> meeting. Application: Bernard Spence, Location: 612 East Wakefield Blvd, Map: 113, Blk: 106, Lot(s) 4, Zone: HLD, Proposal: 154 'gravel driveway from E. Wakefield Blvd to rear of our cottage.

IW#1-31 to next meeting 5/18/11, Seconded by J. Rollins, **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

**Discussion:**

- S. Eisenlohr-I have not received anything back from the association yet regarding the plantings.

**Motion:** by R. Nalette Jr to **table** application 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 carried unanimous.*

**C. Application: IW#10-36 (extension granted)**

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:**

**Present-Peter Kores (applicant)**

- C. Waring-at your seats there is additional information, there is a soil & erosion report from Soil Resource Consultants dated August 25, 2006 regarding the wetland delineation for lot 4a and a memo from S. Hayden, Northwest Conservation District dated April 19, 2011.
- C. Waring-so this was the actual flagging of the wetlands which was done. The recommendations from S. Hayden suggests some additional E&S controls to be put in place particularly along the driveway as it falls in our regulated area. He provides many alternatives to doubling up the sediment barrier.
- J. Rollins-I think what S. Hayden has addressed exactly what I was commenting on, what he is showing seems like his is giving places to contain the water and slow it down.
- R. Nalette Jr-so this letter was just received from S. Hayden.
- S. Eisenlohr-yes
- R. Nalette Jr-given that the applicant has not yet had a chance to read and review the letter by S. Hayden and alter his application to meet these concerns and suggestions, it might behoove us to ask for an extension on this, so he can give us a complete set of plans addressing these recommendations.
- B. O'Heron-can we approve this subject to him doing this?
- R. Nalette Jr-I personally would rather see a map in front of us, before we make any decision.
- S. Molinelli-do you need an answer tonight?

- P. Kores-this is an existing lot, the majority of the driveway that could affect the wetlands is there, it is a logging road. I have no problem doubling up on the controls; S. Hayden proposed excavation in one area, what if we have an extreme rain event.
- S. Eisenlohr-these were recommendations, the plan doesn't show a drainage ditch, and this was based on a gravel driveway.
- J. Rollins-the water needs somewhere to go, paving will stop that, we didn't have a sketch showing swale on the up hill side. The new driveway doesn't go where the logging driveway is, so this would have to be regarded and the swale needs to be stabilized.
- S. Eisenlohr-everything you are referring to are part of my conditions.
- S. Peacock-given S. Hayden's report and recommendations I would be in favor in following his recommendations.
- R. Haburey-what is time frame between construction and paving, what happens if we have heavy rains.
- C. Waring-do we need an extension on this from the applicant?
- P. Kores-gave a verbal request for extension.
- S. Eisenlohr-I will have S. Hayden review plan prior to the meeting.
- S. Molinelli-how much time do you think you need to get this done?
- P. Kores-we should be good prior to next month's meeting.

**Motion:** by R. Nalette Jr to table Application: IW#10-36 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 pending further information with new maps & reviewed by S. Hayden. Seconded by J. Rollins, Vote: all in favor. *Motion carried unanimous.*

**D.. Application: IW#11-02**

Applicant: Peter Nowak  
 Location: 836 E. Wakefield Blvd  
 Map: 44, Blk: 108, Lot(s) 41/45, Zone: HLD  
 Proposal: Remove House & Garage and rebuild in same location

**Discussion:**

**Present was Michael Carlson (contractor)**

- C. Waring-I wasn't at the last months meeting but I know you guys went through a bunch of stuff with him does anyone have any additional comments or questions.
- J. Rollins- has any additional information come in on this, we had requested soil & erosion map, a phase in plan and a stock pile location.
- Mr. Carlson-there will be no stock piling of any material, the site is too small.
- C. Waring-S. Eisenlohr was there any additional information that came in?
- S. Eisenlohr-there was not any additional information but in front of you there is a list of conditions which I tried to cover everything.
- J. Rollins-I know we discussed some retaining wall work that was going to be done but I don't know if it was the actual retaining wall at the water, is that correct.
- S. Peacock-you suggested considering doing this if it needed too in case they ever had to get in back in the area again, because it was such a tight lot.
- J. Rollins-suggested doubling up on the silt fence.

- S. Eisenlohr-I walked the site with M. Carlson and we did look at that and I agree it would be the perfect opportunity to do that.
- S. Molinelli-feels there should be ongoing communications with S. Eisenlohr.
- S. Peacock-would like to see S. Eisenlohr monitoring the project during significant rain fall.
- The commission reviewed the conditions and made minor changes.

**Motion:** by R. Nalette Jr to **approve** Application: IW#11-02 Applicant: Applicant: Peter Nowak , Location: 836 E. Wakefield Blvd ,Map: 44, Blk: 108, Lot(s) 41/45, Zone: HLD, Proposal: Remove House & Garage and rebuild in same location based on testimony and subject to the following conditions, Seconded J. Rollins, except (2) abstained, C. Keily and C. Waring. **Vote:** all in favor.  
*Motion carried.*

**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. Verification in writing to the Inland Wetland Office that iron survey pins have not been altered after completion of the construction project. If altered, pins to be reset by licensed professional land surveyor and provide the Inland Wetland Office a letter verifying pins have been properly reinstalled.
- 15. No construction equipment allowed in the lakebed at any time.
- 16. Department of Environmental Protection oil spill package on site during construction.
- 17. Inland Wetland agent approves E & S controls prior to construction.
- 18. Excess material to be disposed off site.
- 19. Use of silt fence and staked hay bale combination is required. Installation of combination required before any construction begins. Safety fencing to be used during duration of project to prevent debris from entering lake. Any changes will be communicated to the Inland Wetland Agent.
- 20. Straw is to be used for stabilization or mulching of site instead of hay bales.
- 21. Stumps are not to be buried on site and are to be legally disposed of off site.
- 22. 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.
- 23. Inland Wetland Agent will monitor project during storm events.

**E. Application: IW#11-03 (approved)**

Applicant: Robert Lauzon

Location: 128 E Wakefield blvd

Map: 114, Blk: 105, Lot(s) 26 & 27, Zone: HLD

Proposal: Restore water front to same condition before bog.

**Discussion:**

**Present: Applicant Robert Lauzon**

- C. Waring-we have some additional information at our seats tonight.

- S. Eisenlohr-provided the commission with additional information. An email from S. Hayden from Northwest Conservation District along with a print out of Sec. 22a-40. Permitted operations and use.
- C. Waring-does anyone have any additional comments. The email from S. Hayden is giving us some guidelines on how we should proceed with this.
- B. Haburey-S. Hayen references the "beach area", what beach is he referring too?
- S. Eisenlohr-Lauzon refers to the "beach area" in front of the cottage. Any aerial photos taken showed that area was beach. It is clearly a well maintained waterfront.
- S. Peacock-several members felt very strongly that this was remediation of that area. I think R. Nalette's statement was, "we have to look at, what the mission of the Inland Wetlands is and are we here to preserve the natural process of the lake, the waterfront and wetlands or are we here to preserve the existing conditions.
- S. Molinelli- I think there have been numerous instances where we have evaluated the application solely on the merits of that application and how it applies to that environment and situation.
- C. Waring-what was the approximate depth of the sand that was added?
- S. Eisenlohr-about one inch, an area of 220' x 30' in front of five lots.
- The commission reviewed minutes and further discussion with Mr. Lauzon regarding the events that led up to the restoration of his waterfront.
- S. Eisenlohr & S. Hayden walked the site and previous aerial photographs in front of R. Lauzon's cottage did show this as a beach area.
- R. Nalette Jr-I think removing it will cause more of a disturbance.
- B. O'Heron-I think one way or another we need to let people know up front, that this was under special circumstances.
- C. Waring-is this and after the fact permit.
- S. Eisenlohr-yes and with a fee.

**Motion:** by S. Peacock to Approve Application #IW11-03, Restore water front to same condition before bog, at 123 East Wakefield Blvd. ,Map:114, Blk:105, Lot(s) 026/027, Zone HLD, based on testimony and subject to the following conditions: Seconded by B. O'Heron, except (2) abstained, C. Waring and C. Keily. **Vote:** all in favor. *Motion Carried.*

**Conditions 1-12 are standard Inland Wetland Commission conditions**

- 13. Erosion & Sedimentation Control Bond in the amount of \$ - 0- be submitted prior to issuance of permits
- 14. Based on input from letter received by Sean Hayden, Northwest Conservation District dated April 19, 2011.
- 15. Regulations Sec. 22a-40.

**Item 6. New Business**

**A. Application: IW#11-05 (accept)**

Applicant: Peter Fratini

Location: 25 East Lake St

Map: 144, Blk: 124, Lot (s) 113, Zone: HLD

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

**Applicant: Peter Fratini present.**

**Discussion:**

- P. Fratini-currently has an existing structure that has collapsed and would like to replace it with a 14x12 shed and a 6' privacy fence.
- J. Rollins-is all vegetation staying?
- P. Fratini-currently a hedge row which I do not wish to maintain and the town has not maintained either.
- R. Nalette Jr-is the hedge row on your property or the Town's?
- P. Fratini-the property pins are in the hedgerow
- S. Molinelli-creating a right angle, how much of the lake water will be covered by the fence.
- P. Fratini-about 60 to 70 feet.
- C. Waring-does this fall under the Town's fence ordinance?
- P. Fratini-does ordinance apply to plantings?
- S. Eisenlohr- I will run this by M. Melanson regarding the fence ordinance in the HLD zone.
- R. Nalette Jr-would this obstruct your neighbor's view of the lake?
- P. Fratini-the hedgerow is already higher than what the fence would be.
- B. O'Heron-this may have to go before P&Z if its 100 feet from the lake.
- P. Fratini-are there any questions on the shed, I would like to put that up.
- S. Peacock-do you need a permit to put up the shed.
- P. Fratini-I need a permit from the building department not from P&Z according to our regulations.
- J. Rollins-will there be any excavation for the shed?
- P. Fratini-no
- Commission agree to sign off for the shed and S. Eisenlohr will follow-up with M. Melanson and P &Z regarding fence ordinance which he will include in next months packet.

**Motion made by R. Nalette Jr to accept application IW#11-05, Applicant: Peter Fratini, Location: 25 East Lake St, Map: 144, Blk: 124, Lot (s) 113, Zone: HLD, Proposal: Build a 14' x 24' shed and follow-up regarding the installation of a 6' privacy fence. Second by J. Rollins. Vote: all in favor, *Motion carried unanimous.***

**B. Application: IW#11-06 (accept)**

Applicant: Rachel Sutin

Location: 266 Perch Rock Trail

Map: 032, Blk: 105a, Lot (s) 79 & 80, Zone: HLD

Proposal: new dock and boat lift

- **Applicant: Rachel Sutin present**

**Discussion:**

- R. Sutin-would like to install a modular floating dock and boat lift.
- C. Waring-is there anything existing there now?
- R. Nalette Jr-this has come up on previous applications, is the one lot or two lots.
- R. Sutin-this is two lots combined into one, so one lot.

- C. Waring-I would like to see a new copy of the drawing showing additional measurements, with distances of property line on either side of the dock.
- S. Molinelli-the dock may need to be reposition in order to accommodate the boat lift.
- C. Keily-the location of the lift should be included in the final drawing.

**Motion:** made by R. Nalette to accept application IW#11-06, Applicant: Rachel Sutin, Location: 266 Perch Rock Trail, Map: 032, Blk: 105a, Lot (s) 79&80, Zone: HLD, Proposal: new dock and boat lift. Second by B. O'Heron. **Vote:** all in favor, *Motion carried unanimous.*

**C. Application: IW#11-07 (accepted)**

Applicant: Kevin Daly

Location: 204 E. Wakefield Blvd

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

Proposal: replacement of existing dock

- **Applicant: Kevin Daly present**

**Discussion:**

- K. Daly-I would like to replace existing dock, I have held off on repairs, this dock existed when I purchased the property.
- C. Waring-our ordinance does not allow more than 40' in the water, the new dock would have to be within our ordinances.
- S. Eisenlohr-according to K. Nelligan if you have a permit for 50 feet then you can keep it the same.
- K. Daly-the original dock is 42 feet with a 12 foot transition piece. I shortened the dock to 40 feet with a 10 foot floater.
- B. O'Heron-if you're going to repair it, which would fall under a different set of rules.
- C. Waring-what is the frame that goes down into the water.
- K. Daly-wood, pole and concrete.
- S. Molinelli-we have the ordinance, we have ruled on this before. I'm not sure where K. Nelligan is getting that information.
- S. Eisenlohr-will be in touch with K. Nelligan so he can provide the applicant with more information on this ordinance.
- K. Daly-as part of my application I would also like to replace and existing fence with a new 6' vinyl fence in the existing holes.
- C. Waring-this should be added to the application.
- S. Peacock-we need a follow-up on the fence ordinance.
- S. Eisenlohr-will include in next packet, dock and fence ordinances.

**Motion** made by R. Nalette to accept application IW#11-07, Applicant: Kevin Daly, Location: 204 E. Wakefield Blvd, Map: 114, Blk: 105b, Lot (s) 137&138, Zone: HLD, Proposal: replacement of existing dock. Second by J. Rollins, except (1) abstained C. Keily. **Vote:** all in favor, *Motion carried.*

**D. Application: IW#11-08 (accepted)**

Application: 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 and dewatering of impacted soil & groundwater and DEP-approved injection of RegenOx

**Discussion:**

- S. Eisenlohr-gave a brief overview of the above application.
- R. Nalette Jr-has this come before the DEP
- S. Eisenlohr-in the packet is a temporary authorization from DEP.

**Motion** made by R. Nalette to **accept** 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 and dewatering of impacted soil & groundwater and DEP-approved injection of RegenOx. Second by B. O'Heron, **Vote:** all in favor, *Motion carried unanimous.*

**Item 7. Other Business**

A. Town of Winchester Ordinance 162

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

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

**Discussion:**

- No action taken on the above.

**Item 8. Agent Determination**

**A. Application: IW#11-04 (keep on agenda)**

Applicant: Richard Hahn

Location: 444 E. Wakefield Blvd

Map: 032, Blk: 105, Lot (s) 80, Zone: HLD

Proposal: regulated use, new foundation, 500 gal propane tank, and maintenance of existing stairs, minor landscaping and stump grinding within restricted use.

**Discussion:**

- S. Eisenlohr-he has several things he wanted to do, so I had him just put it all on one application. This is all within the restricted area.
- R. Nalette Jr-there is no relevant information regarding the foundation.
- S. Eisenlohr-this is 90 to 100 feet away. There is no drawing included.
- S. Molinelli-have you approved this, our packet is incomplete.
- J. Rollins-would like to see the map at the next meeting.
- S. Peacock-is the landscaping in the regulated area? Would like to see all of this on the map.

**E. Application: IW#11-09**

Applicant: Steven Marcus

Location: 644 E. Wakefield Blvd

Map: 038, Blk: 107, Lot(s): 13, Zone: HLD

**Discussion:**

- S. Eisenlohr-this is drainage work in regulated area to protect existing lake house.
- R. Nalette Jr-as long as E&S Controls are in place I feel comfortable with agent determination
- S. Molinelli-where is this property?
- C. Keily-almost near the a-frame, near the old trolley.
- S. Eisenlohr- I can bring in revised plan.
- Leave on agenda for next month, will be submitted with new plan.

**Item 9. Warnings**

**A. Mr. Neil Jenney, 151 Chapel Rd-citation issued (leave on)**

Applicant represented by Robert Colabella-Laurel Engineering.

**Discussion:**

- R. Colabella-Laurel Engineer-reviewed his study of 151 Chapel Rd and his recommendations with the commission.
- S. Eisenlohr-Mr. Jenney hired an engineer to review his property, violation and citation letters have not been issued due to the applicant is traveling.
- R. Colabella-I personally know Mr. Jenney and am very familiar with the property.
- R. Colabella- Mr. Jenney did removed sediment from the swale and by doing that he steepened the embankment. My inspection showed an existing swale which indicated minor sediment deposits. The embankments of the swale were compromised during overzealous maintenance efforts. They have since stabilized and some vegetation has rooted however there are still areas where stabilization is required.
- R. Colabella- Mr. Jenney would like to fix what ever the problem is. The work that was done over a year and half ago was strictly maintenance.
- R. Nalette Jr-the hay bale was placed over 18 months ago, when where the E&S controls we required.
- J. Chatfield-June of last year.
- C. Waring-initial application was accepted October 20, 2010, after that is when we required the E&S Controls.
- J. Rollins-I think overzealous maintenance sums it upper, under permitted use. I think the attempt was innocent; the intent was to maintain it. I looked at it today and it looked like a clean grass swale.

- S. Peacock-I am glad to see this report, this is a great help with this issue.
- J. Chatfield-would like this ditch filled in.
- S. Eisenlohr-provided some older maps that showed an existing ditch.
- C. Waring-I question what are role is in this. The one thing we can do, is make sure that at the very least, is stabilize this and have the proper E&S controls in place.
- R. Colabella-what ever the commission want him to do, this work can be done.
- J. Rollins-I think this needs immediate remediation along with a permit to repair and an engineered plan.
- R. Colabella-I have about a two month turn around for this.
- C. Waring-in my opinion I think we should issue the citation for failure to appear in September.
- S. Eisenlohr-I can send a citation for failure to properly install E&S controls, and the warning will stay in place.

**Item 10. Violations**

- A. Mr. & Mrs. Joseph Muscolino, 546 W. Wakefield Blvd-not present.**  
(carry item)

**Item 11. Communication & Bills:**

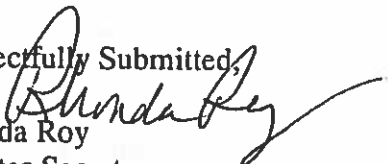
- A. Chairman Report-no report.**
- B. Ric Nalette-No report.**
- C. IWC Grant-**
- R. Nalette Jr-trying to recruit, not a lot of interest.
- D. Steap-aka Grant Committee**
- J. Rollins-will follow-up with a list to the commission.
- E. Clerk's hours**

**Motion:** by R. Nalette to pay clerk 6 hours for the minutes of 3/16/2011, Second by J. Rollins, (1) abstained R. Haburey. **Vote:** all in favor. *Motion carried.*

**Item 12. Adjournment**

**Motion** to adjourn: at 10:50 p.m, R. Nalette Jr, Second by B. O'Heron. **Vote:** all in favor - *motion carried unanimous.*

Respectfully Submitted,

  
Rhonda Roy  
Minutes Secretary