



TOWN OF WINCHESTER – CITY OF WINSTED, FILED

Town Hall – 338 Main Street

WINSTED, CONNECTICUT 06098

CLERK'S OFFICE

24 2010

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

*Minutes of the Regular Meeting
Inland Wetlands and Watercourses Commission
November 17, 2010*

The Inland Wetlands Commission met in the P. Francis Hicks Room. Call to order was made by Chairman Chris Waring at 7:00 p.m. The following members answered roll call: Chairman Chris Waring, Robert Haburey, Chris Kiely, Stephen Molinelli, Ric Nalette, Brian O'Heron, Susan Peacock, Jonathan Reinert, James Rollins, Jr. and Scott Eisenlohr, Wetlands Agent.

Item 3. Approval of Minutes

Motion by C. Waring to *approve* the minutes of October 20, 2010. Second by C. Kiely. Vote: All in favor except J. Rollins & R. Haburey (abstained) – **motion carried.**

Item 4. Agenda Review – S. Eisenlohr asked to add Resha Beach to the agenda as Item #4A and added 58 Holmes Drive/51 Morgan Drive as Item #7D.

Item 4A. Resha Beach: Tricia Twomey, Recreation Director for the Town of Winchester, explained why it's important to clean out the Town beach; approximately 150' X 60' wide; cleaned out the big debris left by the bog in the springtime but still need to clean the muck; noted did keep the beach open this past summer but it poses a safety hazard. Richard Labich explained machinery has been volunteered for 11/27; not going deep, just scraping the surface; understand the precautions with machinery but this is the best solution; asked the Board to make an exception for this Town project. R. Haburey asked what type of machinery will be used. J. Rollins said don't know what would be best; something on tracks; this is a big task. S. Eisenlohr said originally this was to be a bucket brigade; not sure how much muck is in there. J. Rollins said if it's an average of 4" deep, that would be about 111 cubic yards but it may not be that much. Mr. Labich explained Glenn Albanesius has some kids from the soccer teams who have volunteered to help and Lisa Smith has some students who have volunteered as well; volunteers from the Lake will be raking and shoveling by hand; hopefully the weather will hold up. S. Molinelli said there is not much for sticks and stuff – mostly muck. Mr. Labich said there is a lot of debris; afraid it will blow toward the beach. S. Molinelli said his concern that the intent was to vacate the cove of water to allow extrication with manpower of muck, sticks, etc. Mr. Labich said the Drawdown Committee had no plan for this – that was the problem; it wasn't their concern, it was the Town's problem. S. Molinelli noted the cove still has plenty of water; the only thing to benefit is to clean out the Town beach. Mr. Labich said the reason for the 5' drawdown instead of 8' was to leave water in the cove to avoid another bog. S. Peacock said she sat on the Drawdown Committee which did consider how far it had to be drawn down to get the job done and avoid another bog; we were never going to lead/implement the clean-up; charged the Town with that. B. O'Heron reminded Commissioners that Shirley Allshouse stated that the Committee had no intention of doing that. R. Haburey asked how far can the water be dropped. S. Eisenlohr said 9'. B. O'Heron said he's heard as much as 11'. R. Haburey said if we did 11' and you went out as far as possible, would it stop the muck. Mr. Labich said no; gave a brief history of the Lake and explained why this happens. Chairman Waring noted there is no time to draw it down further anyway. S. Molinelli said the bog will occur next drawdown anyway. Mr. Labich said it will if we don't put the water back in; suggested deep drawdowns begin around 10/1 and put the water back in earlier. B. O'Heron said that's how they used to do the drawdowns; there needs to be some thought – not sure it happens every

time; the drawdown plan was approved for 4 years; certain types of machines can be put in the Lake but now we're stuck in an emergency; this is a real problem at the Lake – lots of muck – need to manage the drawdown. Chairman Waring said regardless of future drawdowns, this is a 5' drawdown this year; do we want some sort of machinery in the lakebed cleaning out muck and what are the pro's and con's; would like more detail. J. Rollins said Nick Mancini will provide a skidsteer on tracks to skim the surface; Jim has his own excavator on tracks; also going to need huge amounts of manpower and wheelbarrows; the weather needs to cooperate. Chairman Waring said either option is not a perfect scenario. B. O'Heron asked what type of damage could be done by driving machinery onto the lakebed. J. Rollins said this is a beach constructed of brought in sand so there's probably not as much stuff growing in there; the natural lakebed has become muck; you're removing muck but if the intent is to restore the sandbed... S. Eisenlohr said the intent is to remove 4" of muck off the existing sand. R. Haburey verified no material is going back in. S. Peacock asked how far out. Mr. Labich said 150' to the original buoy line; noted ATV's have already been in there and torn up that area – gas powered machines. S. Molinelli said he would like to see something accomplished but this is a Town beach; if we supplant this with volunteers, the Town will do less and less; this is the wrong scenario; Town should make an effort to remove the volunteers from the responsibility. Mr. Labich said Public Works has no equipment to do this; want work to be done on the weekend since that is when the equipment is available; will be leaving a pile of gook to be picked up on Monday morning by Public Works; Public Works doesn't even have lifts to do the wreaths on Main Street. S. Peacock said this should be done but someone from wetlands should be there to determine when enough is taken; concerned the next floating bog will cause the problem again but need to get this done; need to know what machinery will be used and that the Wetland Agent and a couple of Commissioners will be there; move forward. B. O'Heron agrees it should be done but have heard time and again the possible effects on organisms. R. Haburey said he's for it also but would like to see the proper equipment in there; a wide track dozer would be quicker. J. Rollins said don't think that would be a better option – by hand would be the best option. S. Molinelli said that muck is heavy, dense. R. Haburey added volunteers may not be physically able. J. Rollins said do need to think of the ecology of the lakebed; there was a recent application using a vegetable oil machine which was approved reluctantly and now we're considering this; Mancini's machinery may be all vegetable oil but mine is not. Mr. Labich said the idea of 2 contractors was to cut down on the time but Nick Mancini would be willing to do 100%. Chairman Waring verified Nick Mancini's machinery is basically a bobcat. B. O'Heron asked if there is any chance the equipment could sink in the mud. J. Rollins said there is a chance but the operator can tell. S. Molinelli reminded the Commission there is a request on tonight's agenda to remove rocks; we have to be careful; the community needs consistency or a strong rationale for inconsistency. B. O'Heron asked where does it say what we can and can't do – nowhere, so it's a problem. J. Rollins said to Steve's point, there's also an application to dredge muck; this can change the course of consistency. R. Haburey asked if the DEP is involved in this. J. Rollins said should be. S. Eisenlohr said think they were notified of the drawdown; don't think this is dredging, think it's maintenance. J. Rollins said if it's maintenance, don't need a permit but normally maintenance is done by hand; consistency is key. Mr. Labich said he thought the beach should have been closed last year; the conditions were horrendous; if the work is not done, the Town will probably shut down the beach; if the dam had a problem, there would be equipment in there. B. O'Heron noted the beach at the end of Mountain Road is gone for the same reason. S. Peacock said that was Taylor Brook and the water level was raised and took that away but muck is there too. Chairman Waring asked how tonight's decision will be relayed. S. Eisenlohr explained the request made a few months ago was to remove debris by hand; Mr. Labich and Tricia Twomey would to remove the muck; this will be a piece of cake but will hear flack from applicants at the Lake. S. Peacock said we should be looking at every case on the Lake as an individual item, not cookie-cutter; if equipment is needed, so be it; we're not here to design waterfronts. S. Molinelli noted 1 – 12 are standard conditions; read additional conditions; we should be flexible in the future. S. Eisenlohr read his notes/conditions including placing the burden on the Town, scope of work, etc. Brief discussion followed regarding the width of

the beach being wider than 60'. J. Reinert said he is uncomfortable approving machinery using petroleum based products. J. Rollins said he believes all of Mancini's machinery runs on vegetable oil. B. O'Heron noted when Nick Mancini was here on a recent application, he did say he used vegetable oil. Chairman Waring said he's torn; don't want equipment in the lakebed but sees both sides of the argument; doing by hand is extremely laborious; like the condition of non-petroleum hydraulics or use only hand power. R. Nalette said if this were a private applicant, the Board would most likely deny it; in this case, we best serve public interest by protecting use of the beach; by approving this, we are continuing protection of integrity of use of the Lake/tax asset. J. Rollins said the charge of the Wetlands Commission doesn't have anything to do with public interest of recreation or property values; we're charged with protection of wetlands & watercourses; how you decide what's best for the Lake may include some of those things. S. Molinelli said this falls under the guise of reasonable and prudent alternative; digging by hand will cause more damage as a machine can be controlled. J. Reinert said it would be silly to expect a sandy beach will exist without maintenance. Chairman Waring said Scott read a group of conditions including use of non-petroleum machinery; asked if everyone is comfortable with that condition. Mr. Labich said it took him 2 - 3 months to find a contractor to donate the equipment; it would be impossible to find another contractor; the ATV's did more damage than we'll do. Chairman Waring asked for opinions; make it a strong suggestion to use vegetable-based machinery; also understand a well-maintained vehicle will not leak. B. O'Heron suggested having hazmat materials there in case. S. Molinelli said and have the Wetland Agent empowered to make the decision of how much material, precautions, etc. S. Peacock asked if it would be difficult to get hazmat materials. S. Eisenlohr said Public Works or Fire Department would have them; added it to his conditions; reviewed the conditions. B. O'Heron suggested putting material down to drive on. J. Rollins said it's not really possible on an efficient scale. Chairman Waring said the condition shouldn't state the machinery has to be vegetable oil-based. S. Eisenlohr noted the hazmat material on site will be a separate condition; verified 2 Commissioners will be there. Brief discussion about making a motion and Robert's Rules. **Motion by C. Waring to approve the Town of Winchester Recreation Department request for:**

- 1) **Use of construction equipment in the lakebed at Resha Beach for the purpose of cleaning bog debris of the exiting sand area used for recreation by the citizens of Winchester;**
- 2) **The scope of work involved the removal of material brought into the recreation area by the floating bog during the deep drawdown which consists of dangerous debris and organic matter;**
- 3) **The amounts of material removed will be determined by the Inland Wetland Agent;**
- 4) **The size of the area will be determined by the Inland Wetland Agent and will not exceed 150' maximum;**
- 5) **No additional sand shall be added;**
- 6) **Excess material will be disposed of off site;**
- 7) **Highly recommend that the equipment used will not use petroleum-based hydraulic oil; and**
- 8) **Emergency oil spill kit will be kept on-site during excavation.**

Brief discussion followed regarding dates of work and width of beach. S. Molinelli verified the debris will be removed by Public Works. Mr. Labich explained the debris will be on the sand but not in the water; can put it on the blacktop. Chairman Waring suggested depositing it in the parking lot area. Discussion followed regarding having Public Works determine where it will be placed and moving the material directly to Public Works. S. Peacock asked if the work could be done in the rain. Mr. Labich said doing it on a Saturday with the rain date on Sunday. *Second by S. Peacock. Discussion:* R. Nalette verified material would be legally disposed of. **Vote:** all in favor except J. Reinert, R. Haburey & J. Rollins (opposed) – motion carried.

Item 5. **Old Business**

A. Application #TW10-26

Applicant: Teresa K. Maloney

Location: 678-680 East Wakefield Boulevard

Map: 38, Block: 107, Lot: 32, Zone: HLD

Proposal: Rebuild Front Wall with Stone

Ms. Maloney present along with her property manager. Chairman Waring briefly reviewed the conversation from last month. S. Eisenlohr said the contractor submitted a map requesting addition of the dock. Chairman Waring verified the dock is going from 40' to 50'. S. Eisenlohr said he told the applicant it exceeds the ordinance but she would like to get the wall started. Chairman Waring noted the ordinance says no more than 40'. The Property Manager explained why they want to move the wall further and then extend the dock; explained problems with vandalism on the property. Chairman Waring verified with the addition of the dock there will be a new portion of wall. The Property Manager said only a jut out. Chairman Waring said the problem with that is we don't fill in existing water area; understand the reasons but don't support it; in the past have split approvals for applications; could approve the repair work to the wall but not extension of the wall and allow additional time to next month to come up with alternatives for the dock. S. Peacock asked if this is maintenance or rebuilding the wall. S. Eisenlohr said the wall will be dismantled and rebuilt – footing will stay; dock will not be recessed any more. J. Rollins asked the width of the waterfront. Ms. Maloney said 35'. R. Nalette asked the depth of the water there. The Property Manager said 6' deep. Chairman Waring asked if water comes in to the area of the wall that juts in. The Property Manager said no. Chairman Waring verified the existing wall and the proposed wall; verified the dotted line is where water is and from the existing wall to the dotted line is 3'. The Property Manager noted there is 2' of water there. S. Peacock asked about the existing dock. The Property Manager said the existing dock is 31' x 3' with an 8' x 10' swimfloat. S. Molinelli asked about the neighbors dock. Chairman Waring asked if the wall was moved out 3', would be able to keep the dock at 3'. The Property Manager said would give some ability; explained the police have been called for activity up there. R. Haburey asked about the other side of the dock. The Property Manager explained it interferes with the other neighbor. Ms. Maloney explained she is currently single and disabled; need to rent the property. Discussion followed regarding activity on the property. Chairman Waring acknowledged there are a lot of issues surrounding this property; don't want the Lake filled in by land and wall; part of the issue is the neighbors dock platform is over the littoral boundary and was not there; what can we do to resolve it. S. Eisenlohr said he had the neighbors bring pictures that their dock existed previously. S. Molinelli verified it is the same configuration so it violates the littoral boundary. S. Eisenlohr said it was before littoral boundaries were involved; noted the pictures don't show the float but the dock was there. S. Molinelli verified it shows the position on the waterfront. S. Eisenlohr said it shows that it existed. B. O'Heron noted that's a rough cove with pre-littoral boundary docks everywhere. Chairman Waring felt the Commission should look over pictures from both sides; suggested this part of the application be split off for further investigation/information. Ms. Maloney said there should be substantial information in the Wetlands office; bought the property in 2001. S. Eisenlohr said he will bring additional information next month. Ms. Maloney said will be replacing the wall with new stone. The Property Manager added without the extension. R. Nalette asked what stops you from drawing the dock back 5'. The Property Manager said the water is too shallow. B. O'Heron noted this is another sacred cow to move the wall out. Chairman Waring said at this junction only asking to repair the wall and adjust the motion form to split the application and vote to repair the wall in its current location. Ms. Maloney reiterated using new stone. Chairman Waring suggested tabling the remainder of the application to allow for additional information. S. Peacock asked what years was the activity in the Wetlands office. Ms. Maloney said 2003 – 2005; lots of correspondence and photos. B. O'Heron verified going to repair/replace 36' of wall and then if approved will go out another 3' and build another wall. S.

Molinelli said also would like to know if the neighbor's dock is in the correct location currently. J. Rollins verified we're removing the existing stone seawall and replacing it with a new stone and mortar seawall in the same exact location; verified Scott looked at the property. S. Eisenlohr noted the wall is not even 3' high; as-built drawing is in the conditions; crossed off "...and dock extension..."; suggested removing condition #24. Motion by R. Nalette to *approve* Application #IW10-26, 678-680 East Wakefield Boulevard, proposal to rebuild front wall with stone, application of Teresa K. Maloney, Map 38, Block 107, Lot 32, Zone HLD. The authorized activity is based on oral and written testimony and is subject to standard conditions #1 – 12 and the following additional conditions:

13. Cash Erosion and Sedimentation Bond of \$500.00 be submitted to the Inland Wetland Office before construction begins.
14. Inland Wetland Agent and 2 Inland Wetland Commission members measure & map location of proposed wall and dock support before any work begins.
15. 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.
16. No construction equipment allowed in lakebed at any time.
17. Excavating in water not allowed.
18. Project to be completed during 3 foot drawdown of lake.
19. Complete DEP form before work begins or Inland Wetland permit will not be mailed.
20. No additional sand shall be added.
21. Inland Wetland Agent approves E & S controls prior to construction.
22. Excess material to be disposed off site.
23. 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.
24. The amendment of the dock extension dated 11-17-10 is tabled.
25. Upon completion of work, the applicant shall set up an appointment for the Inland Wetland Agent to do a final inspection for compliance which includes:
 - (a) Sign off and update dock authorization form.
 - (b) Applicant to provide at least 3 photos of authorized work showing compliance.
 - (c) Returning cash bond if site is stabilized per Inland Wetland Agent.

Second by J. Reinert. *Discussion:* Discussion followed regarding doing the measurements right away. *Vote:* all in favor – motion carried unanimous.

B. Application #IW10-27

Applicant: Elizabeth Fitzgerald

Location: 124 Shore Drive

Map: 114, Block: 105B, Lots: 53-54, Zone: HLD

Proposal: Request to Remove Rocks from Beach

Applicant not present. S. Eisenlohr said he called the applicant and explained what happened at the last meeting; requested tabling the application. Motion by J. Rollins to *table* Application #IW10-27 to next month. Second by R. Nalette. *Vote:* all in favor – motion carried unanimous.

C. Application #IW10-28

Applicant: Neil Jenny

Location: 151 Chapel Road

Map: 36, Block: 154, Lot: 41A, Zone: RU-3

Proposal: Request to Maintain Existing Trench by Removing Eroded Material

No one present for this application – addressed later in meeting (*see Item #9. Warnings*)

D. Application #IW10-29

Applicant: Robert Reisenberger

Location: 520 West Wakefield Boulevard

Map: 38, Block: 117, Lot: 5, Zone: HLD

Proposal: Request to Dredge Sludge Accumulated from 1955 Flood and Dry Dam Construction

Richard Traub, Hemlock Construction, representing the applicant (not present), reviewed the proposal; noted now that the water is down, can see there is an actual stream; will not interfere with that. Chairman Waring noted there have been conversations that this type of request will be more prevalent. J. Rollins said if this is approved, will get more applications for this. S. Peacock said she is concerned as it is deep water there; is it possible to undermine the neighbor and the concrete retaining wall; appears water is relatively deep. Mr. Traub said the neighbor's water is deeper; this area is only 2½' deep; can vary configuration to allow a swim area. S. Molinelli noted the excavation dimensions of 2½' x 50' x 25'; will be able to reach out with machinery. Mr. Traub explained the excavation. J. Rollins said have to be careful okaying work in front of the neighbor's wall; asked about littorals and need to consider those; drawing is not really to scale; already a depression in the middle of the proposed swim area; are we pulling up muck or lakebed; a big machine can reach out but will be excavating in water. S. Peacock said the application states it's only 2½' but think it would be a major disturbance. J. Rollins said it's probably 2½' down but slopes downward; water is already as low as it's going to go. Mr. Traub said that's just a pocket of water. S. Peacock said people would like deeper waterfronts; will be more dredging. Chairman Waring said expected it to be shallower. S. Peacock asked if Scott called the DEP on this. J. Rollins asked if they have issues with us dredging the Lake out. B. O'Heron asked if they had a problem with Dawson dredging. S. Eisenlohr said no, it was muck. Mr. Traub suggested dredging down to the level of the stream. R. Nalette said he doesn't see this as a public interest/safety issue; not comfortable removing material or excavating in water. R. Haburey said if we know the cove is doing this, maybe should be done on a bigger scale. Chairman Waring said we need to find out if the DEP needs to be involved. Discussion followed regarding the timing of the work. Chairman Waring said not sure a 3' drawdown will allow the work in there. J. Rollins said even with a 5' drawdown, there's water in there. S. Peacock noted the stream is active there. S. Eisenlohr said the DEP will probably leave it to local enforcement. B. O'Heron said there have been efforts to get the DEP and Army Corp involved; it's a problem there; those pipes on the causeway are plugged; property owners need to defend themselves. Brief discussion followed regarding sedimentation deposits on the other side of the causeway. S. Eisenlohr said the Town has been trying to approach the DEP to clean out the cove itself; the coves are filling in. R. Haburey asked how many homes are in that cove. Discussion followed regarding the 7 or 8 homes in that area, if all the properties are having the same problem, conditions in the cove, neighbors will want to do similar, better if done as a joint effort at the next big drawdown, need to study the ecology in there, all coves experiencing sedimentation, possible common good by allowing this and the existing streambed carrying any loose material further into the Lake. J. Reinert said he would be disinclined to approve this; would be more comfortable knowing the right amounts to remove. Brief discussion followed regarding the history of that cove. J. Rollins noted the burden of proof is on the applicant. R. Nalette asked about having NW Conservation review it. J. Rollins said that's a good idea but we're under a time constraint. S. Peacock read one of the conditions of denial. S. Eisenlohr suggested Sean Hayden look at this; suggested tabling to next month. J. Rollins reiterated there is already water in that area; gave the applicant the option

of tabling for additional information. Chairman Waring suggested tabling this to next month and have Scott contact DEP. **Motion by R. Nalette to table Application #IW10-29 to next month.** Second by S. Peacock. **Vote: all in favor – motion carried unanimous.**

E. Application #IW10-30

Applicant: Town of Winchester

Location: Main Street (Case Avenue to Chestnut Street & Union Street to High Street)

Proposal: Construct 2nd Phase of Enhancements including New Sidewalks along Mad River, New Center Median and Drainage Improvements

Todd Parsons, of Lenard Engineering, representing the applicant (not present), reviewed the proposal. J. Rollins asked if the catch basin work is on the river side or store side. Mr. Parsons said the store side catch basins are okay; the river side will have all new catch basins with new outlet pipes. J. Rollins asked about erosion & sedimentation controls around those areas. Mr. Parsons said the whole bank is gravel; explained the process. J. Rollins verified it will take a day. Mr. Parsons said for each one. C. Kiely asked if there will be any clearing of the embankment. Mr. Parsons said only in the area of activity. **Motion by S. Peacock to approve Application #IW10-30, Main Street (Case Avenue to Chestnut Street & Union Street to High Street), proposal to construct 2nd Phase of enhancements including new sidewalks along Mad River, new center median and drainage improvements, application of the Town of Winchester.** The authorized activity is based on oral and written testimony and is subject to standard conditions #1 – 12 and the following additional conditions:

13. Cash Erosion and Sedimentation Bond of \$0.00 be submitted to the Inland Wetland Office before construction begins

Second by R. Nalette. **Vote: all in favor – motion carried unanimous.**

Item 6. New Business

A. Application #IW07-47 (Modification)

Applicant: David Marsh

Location: 536 West Wakefield Boulevard

Map: 038, Block: 115, Lots: 7 & 8, Zone: HLD

Proposal: Modification of Site Plan

George Kotter, engineer representing the applicant (not present), explained he did the original designs 2 years ago; submitted additional as-built plans. J. Rollins asked if there is an application. S. Eisenlohr said minutes are in Commissioners packets; noted the location of the property and the owner was Tuttle; explained the reasons for the site plan modification. R. Nalette noted there were a lot of issues with that drainage pipe. S. Eisenlohr noted the extension will decrease the discharge. Mr. Kotter detailed the revisions. Chairman Waring reviewed the current activity and verified the proposed activity; asked if the wall on the as-built is completed and will need to be ripped out; said the proposed plan is in line with the original application; asked about the situation with the stairs. Mr. Kotter said the stakes he placed were removed. S. Molinelli asked if more harm/detriment will be caused by taking out the wall. Mr. Kotter said the issue is the storm drain pipe should not have been left like that. Chairman Waring said this will allow better discharge to the Lake. R. Haburey asked the distance from where the pipe ends to the Lake. Mr. Kotter said approximately 10'. R. Haburey asked if there is erosion. Mr. Kotter said originally yes. R. Haburey asked if there is water flowing from the pipe. Mr. Kotter said not last week but probably during certain times. S. Peacock asked if the wall is being built on an apron. Mr. Kotter explained the situation; want to solve the problem and get construction done. S. Peacock verified the wall will be continued along the Dawson property. Mr. Kotter said working on both pieces. J. Rollins noted in the area of the wall construction they smoothed things out, the area where they went way out will be removed and restored to what was approved; concerned with the 9' or so that was the area of erosion and will now be covered. Mr. Kotter said that area is where land was 2 years ago; is now eroded. S. Molinelli asked if we can leave it alone. Chairman Waring said don't know if

leaving it alone would be less harmful; would necessitate extension of that pipe. **Motion by J. Reinert to approve Application #IW07-47, 536 West Wakefield Boulevard, proposal for site plan modification, application of David Walsh, Map 038, Block 115, Lots 7 & 8, Zone HLD. 1. The 20 conditions approved on 11-14-07 are also included and apply to this proposed modification.**

Second by J. Rollins. **Vote: all in favor except S. Molinelli (abstained) – motion carried.**

B. Application #IW10-31

Applicant: Bernard L. Spence

Location: 612 East Wakefield Boulevard

Map 113, Block 106, Lot 4, Zone HLD.

Proposal: 154' Gravel Driveway from East Wakefield Boulevard to Rear of Cottage

Mr. Spence explained he would like to put in a permanent straight driveway 154' from the road to the back of the cottage; many cottages there had similar driveways; 45 yards of fill will be used in the area of the driveway at the road and to allow a turn around by the cottage; 8" of gravel and berms to allow for drainage. S. Peacock noted the property is wooded and sloping. Mr. Spence explained a few trees will have to be removed due to the blight anyway; explained the construction of the cottage. C. Kiely asked what year the cottage was built. Mr. Spence said approximately 1899; gave a brief history of his family and getting to the cottage. R. Nalette said the majority of the work in the regulated area is in the turn toward the house; asked how high is the elevation. Mr. Spence said approximately 3'; noted the area of the sewer pump is level. R. Haburey asked if there is any storm drainage through there. Mr. Spence said hoping berms will take care of the drainage. S. Eisenlohr verified the cottage is not used in the winter. Mr. Spence explained the function of the berms. **Motion by R. Nalette to accept Application #IW10-31, 612 East Wakefield Boulevard, proposal for 154' gravel driveway from East Wakefield Boulevard to rear of cottage, application of Bernard L. Spence, Map 113, Block 106, Lot 4, Zone HLD.**

Second by S. Peacock. **Vote: all in favor – motion carried unanimous.**

C. Application #IW10-32

Applicant: Gary & Beverly Paganelli

Location: 438 Wheelers Point

Map: 38, Block: 105, Lot: 85, Zone: HLD

Proposal: Seawall Repair, Remove Existing Wood Deck, Install Stone Patio, Move & Rebuild Existing Stone Wall in Front of House

Mrs. Paganelli present along with her contractor, Peter Hock of Outdoor Artistry. Mr. Hock explained the proposal; noted the water is pretty deep; explained the wall construction/procedure. Chairman Waring asked when the photos were taken. Mrs. Paganelli said last month; bought the property in August; tried to get the application in; really is a hazard; want to replace the deck with natural stone; will allow a better view. Chairman Waring noted the deck is 33' X 27'. Mrs. Paganelli said it will be the same footprint, just stone. Chairman Waring verified the stone will have mortar. Mr. Hock said the stone will be dry-set on process gravel and use stonedust or sand. Chairman Waring verified will be rebuilding the wall parallel to the property line. Mrs. Paganelli gave additional information. Chairman Waring asked if this needs to go to Zoning Board of Appeals. Mr. Hock said each town is different; this wall is under 3'; don't think for this you need it. S. Peacock asked about the wall going right on the property line. Discussion followed regarding the applicant checking that the wall location is okay with building codes, location of the wall to the water, the existing old railroad tie retaining wall, getting the wall started before the water comes up and the possibility of allowing work to begin on the wall as an agent approval, holding a special meeting in December, the necessity of starting wall work only and splitting the application to do an agent determination for the seawall alone. **Motion by S. Peacock to accept Application #IW10-32, 438 Wheelers Point, proposal to remove existing wood deck, install stone patio, move & rebuild existing stone wall in front of house, application of Gary &**

Beverly Paganelli, Map 38, Block 105, Lot 85, Zone HLD. Second by S. Molinelli. Vote: all in favor – motion carried unanimous.

D. Application #IW05-24 (Modification)

Applicant: Scott Reed

Location: 23 Griswold Lane

Map: 25, Block: 153, Lots: 127-128, Zone: RU-3

Proposal: Modification

Applicant not present. Chairman Waring noted information in the packet. S. Eisenlohr explained he authorized a few trees to be removed but the applicant wants to take out a lot more; told the applicant to submit a landscaping plan; explained the previous approval in 2005 required a buffer area; this proposal is for a revised buffer area. Discussion followed regarding this previously being owned by Mike Carlson. J. Rollins asked if there is a narrative regarding what would be removed versus staying. S. Eisenlohr noted the property lines on the plans; suggesting bouncing this off Sean Hayden. **Motion by R. Nalette to table Application #IW5-24, 23 Griswold Lane, pending review by Sean Hayden and information on the property line, application of Scott Reed, Map 25, Block 153, Lots 127-128, Zone HLD. Second by C. Kiely. Vote: all in favor – motion carried unanimous.**

Brief discussion regarding addressing Item #7D since an audience member is here for that issue.

Item 7. Other Business

D. 58 Holmes Drive/51 Morgan Drive: S. Eisenlohr distributed a packet of information to each Commissioner. Heather Wilson, 51 Morgan Drive, noted her neighbor is 58 Holmes Drive; explained excavation done poses pollution to Highland Lake; this situation happened in 1991 also; noted her leechfield abuts the area of excavation; there is a high water table there; the property always had water problems; in 1991, remediation was ordered and rip-rap was installed; recent excavation has re-created the problem; contacted Torrington Area Health which came out and cited health code violations and sent the owner of 58 Holmes a warning letter; last week, additional excavation was done to widen the swale; there is a meeting this Friday with all the parties; have contacted an engineer for the meeting next month; wanted to bring the matter to the attention of the Commission. Chairman Waring asked what the Commission's purview is. S. Eisenlohr explained at the end of the swale, water discharges into an existing catch basin; water may carry effluent into the catch basin. R. Nalette asked what the recourse is. J. Rollins suggested cease and restore. S. Eisenlohr said we'll see how the meeting comes out Friday and give the results at the December meeting. Mrs. Wilson encouraged Commissioners to visit the property to see the activity. Brief discussion followed regarding the location of the property. Mrs. Wilson said have information from the meeting in 1991. Brief discussion followed regarding the availability of the minutes from the meeting in 1991, diagram, and silt fence not changing the leeching of effluent.

Item 7. Other Business

- A. Town of Winchester Section 162 - nothing new
- B. Town of Winchester Inland Wetlands Regulations Possible Amendments/Revisions – nothing new
- C. By-laws Town of Winchester Inland Wetlands Commission Amendments/Revisions: S. Eisenlohr said he has not heard anything from Attorney Nelligan yet.
- D. 58 Holmes Drive/51 Morgan Drive: addressed earlier

Item 8. Agent Determinations – none

Item 9. Warnings

- A. Neil Jenny, 151 Chapel Road: S. Eisenlohr suggested the Commission table this since neither the applicant nor the neighbor is present; said the applicant will say the swale was existing and the neighbor will say it's eroding his property. J. Rollins noted the trench looks freshly excavated. Chairman Waring noted the photos provided last month. J. Rollins noted the issues are what is the natural flow of water, was the work maintenance or did it need an application and was erosion legitimate and significant and needs remediation; running out of time; suggested applicant get an engineer to provide a topo and provide proof of the water change from the Farmington River to the Naugatuck. Discussion followed regarding swales on the Chatfield property. S. Eisenlohr noted David Battista may be been involved originally. S. Peacock asked what is being asked of the Commission. Discussion followed regarding the reason for the application and remediation of possible erosion and if it was maintenance of an existing swale. **Motion by R. Nalette to table Application #10-28, 151 Chapel Road, pending further information from the applicant, application of Neil Jenny, Map 36, Block 154, Lot 41A, Zone RU-3. Second by J. Rollins. Vote: all in favor – motion carried unanimous.**

Item 10. **Violations – none**

Item 11. **Communications & Bills**

- a. Chairman's Report: nothing new to report
- b. Ric Nalette – Salt-Calcium at Highland Lake: R. Nalette said unofficially this is a direction they would like to go in and will test not putting sand around the Lake. Discussion followed regarding using just salt at the Lake, if liquid salt works on dirt roads and it's effectiveness on roads not well traveled (can spread the product 3 days in advance).
- c. 2010 Municipal IWC Training – Segment 3: Chairman Waring noted there is a session left in December. Discussion followed regarding budget and one free voucher.
- d. CT Siting Council Renewal Agreement: Chairman Waring said this pertains to a modification of an existing tower.
- e. Letter from HLWA: Chairman Waring said the letter concerns ATV usage by Suckerbrook and destruction going into Highland Lake; Clare Stevens reported this a few meetings ago. S. Eisenlohr said he tried to refer this to the Police Department or DEP. Chairman Waring suggested Commissioners read this and if anyone has any ideas. R. Nalette noted the activity on the Salerno property; asked what purview does the Commission have. Chairman Waring said he believes there are no regulations on private land. J. Rollins said even on private land, can't destroy wetlands; interesting question to pose to Attorney Nelligan. Brief discussion followed regarding ATV trails off Route 44 toward Norfolk. Commissioners want to refer the letter to Attorney Nelligan as it pertains to the Salerno property and if there are any rules for it.
- f. Clerk's hours: **Motion by R. Nalette to pay 3.5 hours to the clerk for the minutes of 10/20/10. Second by S. Peacock. Vote: all in favor – motion carried unanimous.**

Item 12. **Adjournment**

Motion by R. Nalette to adjourn at 11:02 p.m. Second by C. Kiely. Vote: all in favor – motion carried unanimous.

Minutes respectfully submitted,



Laurie Bessette
Minutes Secretary