TOWN OF WINCHESTER – CITY OF WINSTED

Town Hall – 338 Main Street

WINSTED, CONNECTICUT 06098

Minutes of the Regular Meeting
Inland Wetlands and Watercourses Commission
October 20, 2010

The Inland Wetlands Commission met in the P. Francis Hicks Room. Call to order was made by Chairman Chris Waring at 7:02 p.m. The following members answered roll call: Chairman Chris Waring, Chris Kiely, Stephen Molinelli, Ric Nalette, Brian O'Heron, Susan Peacock, Jonathan Reinert, James Rollins, Jr. and Scott Eisenlohr, Wetlands Agent. Robert Haburey was absent excused.

Item 3. **Approval of Minutes**
Motion by J. Rollins **to *approve* the minutes of September 15, 2010.** Second by S. Peacock. **Vote:** All in favor except S. Molinelli & R. Nalette (abstained) – **motion carried.**

Item 4. **Agenda Review** – S. Eisenlohr said people are preparing for the extra drawdown; added #IW10-29, Robert Reisenberger, 520 West Wakefield Boulevard as Item #6E & #IW10-30, Town of Winchester for Main Street Enhancement – Phase II as Item #6F.

Commissioner O'Heron recused himself to the audience.

Item 5. **Old Business**

A. Application #IW04-54
Applicant: Brian O'Heron
Location: 212 West Wakefield Boulevard
Map: 133, Block: 120, Lots: 005A-006A, Zone: HLD
Proposal: Installation of 8' x 28' Cantilever Dock, 10' x 10' swimfloat, 15' diameter trampoline and 10' X 20' boatlift with 3' walkway

Richard Calkins, PE of Northeast Consulting, said the concrete footing will be 6' x 6' x 10' x 3' deep; provided edited site plans; reviewed the requested structures; noted this is consistent with the dock & mooring regulations. Chairman Waring asked about the concrete pad for the cantilevered dock. Mr. Calkins explained it will be at ground level. S. Peacock added at last months meeting reasonable adjustments made in field for unforeseen issues. J. Reinert noted the footing is a huge change; more in line with what we've seen. Chairman Waring asked with the pad at ground level, would the dock be inset. Mr. Calkins explained it varies in difference; will re-grade property to bring it up to the top of the footing; concerned with the effect of wave action; footing section on plan is at the elevation of the top of the footing. Chairman Waring verified the dock will sit on top of the wall. Mr. Calkins said a little above it. S. Molinelli asked why not going 48" below. Mr. Calkins said it depends on the drawdown; unlikely to get frost penetration. S. Molinelli asked about water penetration. Mr. Calkins said there is not a lot of property there – already heavily terraced with no appreciable run-off. **Motion** by J. Reinert **to *approve* Application #IW04-54, 212 West Wakefield Boulevard, proposal for installation of 8' x 28' cantilever dock, 10' x 10' swimfloat, 15' diameter trampoline and 10' X 20' boatlift with 3' walkway, application of Brian O'Heron, Map 133, Block 120, Lots 005A-006A, 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 control bond of $500.00 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. **Project to be completed during 3' drawdown of Lake.**
17. **The swim float shall be securely anchored to the lake bed with cables, lines or chains attached to 5 gallon pails of concrete/or concrete blocks resting on the lakebed in a manner not to create a navigational hazard and not drift into littoral boundary.**
18. **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.**
19. **No additional sand shall be added.**

Second by C. Kiely. *Discussion:* Discussion followed regarding the depth of the water – 3' drawdown will suffice. **Vote:** all in favor except S. Molinelli & R. Nalette (abstained) – **motion carried.**

Commissioner O'Heron rejoined the Commission.

B. Application #IW10-23
Applicant: Mary Ann Marino
Location: 754 Lake Drive
Map: 144, Block: 107, Lot: 57, Zone: HLD
Proposal: Installation of Waterfront Retaining Wall to Halt Erosion of Property into Lake

Applicant not present. Chairman Waring said drawings were submitted with dock locations, dimension and location of the buoy addressing the littorals; 2nd page addresses the stone work for the wall, dimensions, etc. and the 3rd page is the elevation of the wall and drainage detail. J. Rollins said the drawing showing the wall and drains, the drain is way too high; won't drain at the drawdown – should be where the lakebed meets the wall not the water level; the back will be mortared and don't want to contain the water behind the wall. S. Eisenlohr said he doesn't think the contractor drew the plans; think the applicant did. J. Rollins noted he changed his drawing. S. Eisenlohr said he changed the plans in the file as well. S. Peacock verified haybales will be used for sediment control on the bank. J. Rollins said the lakebed in the work area is vey rocky; won't have much success with erosion control; suggested if haybales/silt fence can't be used, need to have silt fence/haybales around the excavated material. S. Eisenlohr said he tried to address that in condition #23. Chairman Waring suggested amending the wording for condition #21. R. Nalette suggested using "during and prior to construction" in condition # 21. S. Eisenlohr suggested increasing the bond as well. S. Peacock said part of this is education of the applicant to make them aware of what could happen on site. S. Eisenlohr noted the applicant's brother is nearby to monitor the site. Chairman Waring verified the changes to the plans will do. S. Molinelli suggested it may be beneficial to meet with the contractor. S. Eisenlohr said that won't be a big deal due to compliance with condition #1; drafted the conditions based on the applicant being an absentee applicant. **Motion** by S. Peacock **to *approve* Application #IW10-23, 754 Lake Drive, proposal for installation of waterfront retaining wall to halt erosion of property into Lake, application of Mary Ann Marino, Map 144, Block 107, Lot 57, 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 $1,400.00 be submitted to the Inland Wetland office before construction begins. (for wall construction only)**
14. **No construction equipment allowed in the lakebed at any time.**
15. **Excavating in water not allowed.**
16. **Allow the applicant to remove all trees and stumps associated with approved plan if necessary.**
17. **Project to be completed during 3' drawdown of Lake.**

18. **The use of dock legs with pads to sit on lake bed allowed.**
19. **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.**
20. **No additional sand shall be added.**
21. **Inland Wetland Agent approves E & S controls prior to construction.**
22. **Stumps are not to be buried on site and are to be legally disposed of off site.**
23. **Owners and contractors will be making daily site inspection 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. **This plan includes the new information dated 10-8-10 consisting of 3 pages including Inland Wetlands Commission changes.**
25. **Inland Wetland Agent and 2 Inland Wetland Commission members measure & map location of proposed wall and dock support before any work begins.**

Second by C. Kiely. *Discussion:* R. Nalette suggested a bond of $1,400.00. S. Peacock noted trees have already been removed and erosion is already an issue. Discussion followed regarding a 3' drawdown being suitable. J. Rollins suggested changing the wording of condition #24 to reflect the changes of 10/8/10 and further revised at the meeting of 10/20/10. **Vote**: all in favor except S. Molinelli & R. Nalette (abstained) – **motion carried.**

C. Application #IW10-24
Applicant: Gail Yaffee & Andrea Garbus
Location: 440 East Wakefield Boulevard
Map: 32, Block: 105, Lot: 079, Zone: HLD
Proposal: Replace Current Dock with Permanent Cantilevered Dock

Mr. Yaffee, representing the applicants, said the only issue was the question of an engineering report. S. Eisenlohr said he talked with Marc Melanson and an engineering report would not be required. Chairman Waring verified the dimensions of the counterweight of 3' x 8'; noted it is about ½ the size of the 1st applicant. S. Eisenlohr asked the material of the dock. Mr. Yaffee said steel. S. Eisenlohr said he thought construction would be the same as what's across from the nursing home. Mr. Yaffee said the contractor said it would be almost impossible to do this in aluminum. Chairman Waring said this seems small. J. Reinert asked if we have the depth. Chairman Waring said 3' – 4' down; probably down to the frost line; asked the current wall material. Mr. Yaffee said stone wall. S. Peacock verified the plan was engineered. Mr. Yaffee said Ron Bilodeau did all the calculations; it's the same layout as the other 2 he's done. S. Peacock verified those are on mortared stone walls. B. O'Heron noted the counterweight was put in on the wall across from the nursing home; there was water in there. S. Peacock expressed concern with a mortared stone wall holding steel beams. Chairman Waring said want to make sure the wall will handle the weight. B. O'Heron verified a ballast is behind the stone wall. S. Peacock verified it is a slab behind the stone wall. Mr. Yaffee said there is one existing but will be made larger. R. Nalette verified an engineered plan is not required. S. Eisenlohr asked if Mr. Bilodeau buys the I-beams from a steel company, would they know the necessary size of the counterweight needed. R. Nalette asked if Mr. Bilodeau is an engineer. Mr. Yaffee said he's done others on the Lake and would be the contractor. R. Nalette verified the contractor would be held responsible for the design; we should not be designing it. Discussion followed regarding Mr. Bilodeau's experience, conditions, dimensions, materials, seems under-engineered, etc. S. Peacock asked if the Commission can require an engineered plan. Discussion followed regarding conditioning with engineered calculations submitted prior to construction, having

an engineer confirm this is sufficient or make recommendations, etc. J. Rollins asked about access; verified not going to need a lot of site work. **Motion** by C. Waring **to *approve* Application #IW10-24, 440 East Wakefield Boulevard, proposal to replace current dock with permanent cantilevered dock, application of Gail Yaffee & Andrea Garbus, Map 32, Block 105, Lot 079, 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 $1,000.00 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. **Project to be completed during 3' drawdown of Lake.**
17. **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.**
18. **No additional sand shall be added**
19. **Excess material to be disposed off site.**
20. **Owners and contractors will be making daily site inspection 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.**
21. **The plan as modified complies with Ordinance Section 162 and the applicant will conform to all other outstanding items in Section 162.**
22. **Inland Wetland Agent and 2 Inland Wetland Commission members measure & map location of proposed wall and dock support before any work begins.**
23. **Provide written approval from licensed engineer prior to construction.**

Second by S. Peacock. *Discussion:* Discussion followed regarding the depth of the water and if de-watering will be necessary; 3' drawdown will do. **Vote**: all in favor except S. Molinelli & R. Nalette (abstained) – **motion carried.**

D. Application #IW10-25

Applicant: Laura Enman
Location: 728 East Wakefield Boulevard
Map: 38, Block: 112, Lot: 14, Zone: HLD
Proposal: Replace Existing Decayed Wood Porch Support Posts with Concrete Piers and 6 x 6 Pressure-Treated Posts (5 Supports)

Jack Grant, Palmer Construction, representing the applicant (not present) was present. Chairman Waring said at last month's meeting there were questions pertaining to removal of the current posts, depth of water and the overall plan. Mr. Grant verified Commissioners visited the site; noted at a 5' drawdown, all the existing will be exposed; assuming will hit ledge; the option is using equipment powered with vegetable oil; it's the size of a lawnmower; will have minimal ground disturbance; the posts are guaranteed 50 years; this is a better system with less impact on the Lake and less money to the homeowner. S. Eisenlohr asked what if they hit ledge. Mr. Grant said they drill a hole in the ledge and go up from there. S. Peacock asked the number needed. Mr. Grant said 5. J. Rollins asked if the existing supports go straight down or are cantilevered. Mr. Grant explained they are 2" x 6" going straight down with crisscrossing supports. B. O'Heron asked what if can't use the equipment. Mr. Grant said then have to dig by hand. S. Molinelli said that's a lot of work; basing that on personal experience. J. Rollins asked would the sonnatubes come up into the water column. Mr. Grant explained. J. Rollins asked about ice exposure. S. Peacock noted there's a lot of water there and it's

deep. Mr. Grant said there's still about 3' of water there; expect to work on beach. B. O'Heron asked what if it's water. Mr. Grant said he's hoping to use the equipment; should take no more than a week. B. O'Heron verified the work could be done in a single day with the equipment. S. Peacock verified the porch would be straightened out. Mr. Grant said that's the plan. J. Rollins asked how far the building is cantilevered. Mr. Grant said about 6'; explained why can't do it another way. Discussion followed regarding the location of this house. B. O'Heron asked about reinforcing the beams against the ice. Mr. Grant said if it was a 6" x 6" it could be done but this is a post; suggested an alternate method. Chairman Waring asked the diameter of the post. Mr. Grant said 2½" – 3½". S. Peacock asked if this can be conditioned to be done with that equipment. S. Molinelli noted the standard condition read no equipment in the lakebed. Discussion followed regarding the equipment planned to be used, denying similar applications, possibly changing the ordinance, using discretion, suitable preventative measures, usage of a plastic sleeve around the posts, bracing the backs, used of a bubbler(s) and the effects of ice. Chairman Waring felt this is a unique situation; this equipment is designed for this situation. J. Rollins said there is no better option. S. Molinelli asked if there are Bobcats that run on vegetable oil. Chairman Waring reiterated this is a unique situation. S. Peacock said she views this as a tool; noted other tools are allowed on the lakebed. Brief discussion followed. J. Rollins suggested approving this with "techno-posts"; least amount of impact on the lakebed; noted no equipment in the lakebed is a standard condition and not an ordinance; applicant may still have to do something else. Discussion followed regarding modifying/eliminating condition #14 and who would be on site. **Motion** by J. Rollins **to *approve* Application #IW10-25, 728 West Wakefield Boulevard, proposal to replace existing decayed wood porch support posts with concrete piers and 6 x 6 pressure-treated posts (5 supports), application of Laura Enman, Map 38, Block 112, Lot 14, 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 $1,000.00 be submitted to the Inland Wetland office before construction begins.**
14. **Techno-post equipment allowed in the lakebed only due to most prudent and feasible.**
15. **Excavating for concrete to be complete in dry section of lakebed. Excavating in water not allowed. Erosion control to be used during excavation for pier.**
16. **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. **Applicant to provide at least 3 photos of authorized work showing compliance.**
    b. **Returning cash bond if site is stabilized per Inland Wetland Agent.**
17. **No additional sand shall be added.**
18. **Excess materials to be disposed off site.**

Second by J. Reinert. *Discussion:* Discussion followed regarding the motion reading to allow "or techno-posts", condition #14 "techno-post equipment allowed in lakebed because it's the only reasonable and prudent alternative", leaving condition #15 as an option, condition #16 not applicable. S. Molinelli asked if this is considered excavating in the lakebed. Additional discussion regarding condition #17a doesn't apply, remove condition #20 and the necessity of photos. **Vote**: all in favor except R. Nalette (abstained) – **motion carried.**

Item 6. **New Business**

A. Application #IW05-24

Applicant: Scott Reed
Location: 23 Griswold Lane
Map: 25, Block: 153, Lots: 127-128, Zone: RU-3
Proposal: Request for 5-year extension to October 19, 2015

Chairman Waring noted the letter in the packet from the applicant dated and paid in July. **Motion** by R. Nalette **to *approve* Application #IW05-24, 23 Griswold Lane, proposal for 5-year extension to**

October 19, 2015, application of Scott Reed, Map 25, Block 153, Lots 127-128, Zone RU-3 based on oral and written testimony and the following condition:

1. Extension approved must comply with original 16 conditions of approval attached.

Second by S. Peacock. *Discussion:* Brief discussion followed regarding extensions/modifications being approved under new business. **Vote**: all in favor – **motion carried unanimous.**

B. Application #IW05-07

Applicant: Trade Winds Farms
Location: Platt Hill Road
Map 43, Block 154, Lot 22-1, Zone RU-3.
Proposal: Request for 5-year extension to November 16, 2015

Chairman Waring noted the letter in the packet requesting the extension. Discussion followed regarding Permit #03-10 on the draft motion. **Motion** by C. Waring **to *approve* Application #IW05-07, Platt Hill Road, proposal for 5-year extension to November 16, 2015, application of Trade Winds Farm, Map 43, Block 154, Lot 22-1, Zone RU-3 with the following conditions:**

1. **The 5-year extension expires on 11/16/2015.**
2. **Extension approved must comply with approved letter with conditions dated 11/16/2005.**
3. **Any modifications of the 11/16/2005 approval and plans will require a permit.**
4. **Standard conditions #1 – 12 apply.**

Second by J. Rollins. **Vote**: all in favor – **motion carried unanimous.**

C. Application #IW10-26

Applicant: Teresa K. Maloney
Location: 678-680 East Wakefield Boulevard
Map: 38, Block: 107, Lot: 32, Zone: HLD
Proposal: Rebuild Front Wall with Stone

Chairman Waring reviewed the proposed activity. A representative from IS Masonry, representing the applicant, explained this is simply repairs to the wall; take out the joints and repair it. Chairman Waring verified this is only mortar repair and drawings are not needed. S. Eisenlohr said it sounds like it's just maintenance; if only maintenance, then don't need an application; suggested accepting the application and will go out and look at the project and let the Board know by next month. Discussion with members of the audience regarding if stones need to be replaced, possibly need a stone cap 1" – 3". Chairman Waring explained only accepting the application tonight; Scott will go out and then make the determination. Neighbor from 719 East Wakefield was concerned the wall could be reconstructed higher. Chairman Waring explained anything other than mortar repair would need a permit. Another neighbor was concerned his own wall could be damaged. **Motion** by R. Nalette **to *accept* 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.** Second by J. Rollins. **Vote**: all in favor – **motion carried unanimous.**

D. 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 noted the size of the stones is not in the application; applicant would like to remove large stones and roll others under the dock; told the applicant the Commission would probably not approve this. Chairman Waring noted there is no detail on the rocks – size, depth, etc. R. Nalette felt the application is incomplete. B. O'Heron said he heard folklore that anything you can move by hand is allowed. J. Rollins said he never heard that; if a rock has fallen out of the wall, can move that. Discussion followed regarding the homeowner having the integrity to ask, history of

activity on the Lake pre-commission, etc. Chairman Waring suggested accepting the application and have Scott get more detail for next month. Discussion followed regarding the shallowness of the water there. S. Peacock said she is against accepting this knowing we don't allow rocks to be moved. J. Rollins felt we shouldn't pre-judge it. Chairman Waring said would like to see more information on it. S. Molinelli suggested seeing where it goes. R. Nalette said this has come up before; we have to accept applications; this is ridiculous but we've been told we have to accept all applications in front of us. Chairman Waring said the applicant can change the proposal by the next meeting. **Motion** by J. Rollins **to *accept* Application #IW10-27, 124 Shore Drive, proposal to remove rocks from beach, application of Elizabeth Fitzgerald, Map 114, Block 105B, Lots 53-54, Zone HLD.** Second by S. Molinelli. **Vote**: all in favor except S. Peacock and R. Nalette (opposed) – **motion carried.**

E. 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), explained the proposal – read narrative into the record. J. Rollins asked the location of the property. Discussion followed. R. Nalette asked when the dry dam was constructed and how long the applicant has owned the property. Discussion followed regarding the dam being built around 1969 and the property has been in the applicant's family at least 80 years. S. Peacock said it's an interesting proposal; noted the Commission permitted Woody Dawson to dredge (never did); not sure if this will fill back in. Mr. Traub explained small pipes carry the water in. Discussion followed regarding the water having been diverted during dam construction but this is overflow now. Chairman Waring noted the narrative said 6 truckloads will be removed; asked dump truck or pick-up truck. Mr. Traub said dump truck; noted the machine will be on dry land reaching in. S. Peacock asked where the material will be taken. Mr. Traub said off-site. R. Nalette asked the estimated depth of dredging. Mr. Traub said the water is only 2½' now and would like to restore it to 5' deep so 2½' of dredging. S. Peacock verified not adding anything back in – like sand. C. Kiely verified an Army Corp permit is not needed. J. Rollins said don't think so. S. Peacock said we should make sure; going to see more of this in the cove and related to the floating bog. Chairman Waring reminded attendees only accepting this tonight; the cove will be getting more exposed. B. O'Heron asked when the work will be done. Mr. Traub said if approved, the end of November or beginning of December. S. Peacock said need to know the decision of the DEP. J. Rollins said and Army Corp also. S. Molinelli asked who would know the answer. S. Eisenlohr said he will call them. **Motion** by J. Rollins **to *accept* Application #IW10-29, 520 West Wakefield Boulevard, proposal to dredge sludge accumulated from 1955 flood and dry dam construction, application of Robert Reisenberger, Map 38, Block 117, Lot 5, Zone HLD.** Second by B. O'Heron. **Vote**: all in favor – **motion carried unanimous.**

F. 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), explained the proposal; noted total disturbance will be 1.1 acre; .25 is within the 100' regulated area; explained most of the pipes are 15" to 30" and most will be 35' long; be done as a single operation; almost all rip rap; will be done in sections; not enough money to do the entire project but wanted to get the plan approval; plan on doing the work in 2011; need to get DOT & DEP permits. R. Nalette asked what prevents us from doing planted swales. Mr. Parsons said it wouldn't work. S. Molinelli asked if the Town runs

out of money will there be an impact; gave an example of the situation on East Wakefield Boulevard. Mr. Parsons said the DOT will not allow this to be incomplete as it's a State highway. S. Peacock verified the activity. Brief discussion followed. S. Peacock verified it will not be closer to the river. Brief discussion followed regarding the parking lane being narrower. **Motion** by R. Nalette **to *accept* 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 for the Town of Winchester.** Second by J. Rollins. *Discussion:* B. O'Heron asked if anything can happen before the next meeting. Discussion followed regarding the requirement to hold the approval to next month. **Vote**: all in favor **– motion carried unanimous.**

Item 8. **Agent Determinations**

A. 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

S. Eisenlohr explained there is a letter in the packet from Mr. Jenny; gave a brief history of how this came about; explained the applicant submitted additional photos; distributed to the Commission. Discussion followed regarding the location of this property. S. Molinelli asked who wrote this letter; verified this is in response to a warning letter. S. Eisenlohr explained the neighbor (Mr. Chatfield, present) came in with concerns regarding excavating. S. Molinelli verified the timeline; asked if this is an application. S. Eisenlohr said was doing it as an agent determination but it's up to the Commission. Chairman Waring noted the dates of the photos. R. Nalette said the photos indicate vegetated swales. Chairman Waring asked the repercussions from the activity. Brief discussion followed. Jeff Chatfield explained this is a serious problem; have been in front of the Board before; explained in the 1990's, got approval for the swale; Mr. Jenny installed a large satellite dish after that was completed and put up a "corral" around that; this year, took the corral down and dug the ditch which diverted the water – the water which connects to the Farmington and Naugatuck Rivers; we're at a divide; displayed aerial photo showing the satellite corral and water flows; distributed additional photos showing activity in the 1990's and recent activity. Discussion followed regarding activity on the property based on the photos presented and repercussion from the activity. Mr. Chatfield said a lawsuit is likely; would like the property restored; explained the watercourses have been changed; water from Chapel Road runs onto his property. S. Molinelli asked what the remedy would be. Mr. Chatfield said it will be a lot of work and money to fix this as the watercourse has been changed. S. Molinelli verified he wants Mr. Jenny to restore it to the pre-existing condition; asked if that is in the Commission's province. J. Rollins said can do a cease and restore; noted comments in their letter. S. Eisenlohr explained the way the water flows. Discussion followed regarding diversion of water, the water table, Commissioners need to go look at the property. S. Eisenlohr explained he is not going to approve this until the Commission supports it. S. Peacock read from the letter acknowledging the trench should be adjusted; verified no conversation was held between Chatfield and Jenny. Chairman Waring said Mr. Jenny thought the work was re-aligning it to the 1890-1910 photo; can't tell from the photo. S. Peacock said the applicant should be here. J. Rollins said need to re-read the letter; seems to mean something different each time; need to get up and look at the property; verified need to accept this tonight so can go on the property; got permission from Mr. Chatfield to see the damage. Discussion followed regarding if the application was signed and the fee paid. S. Peacock asked if more information is needed from Mr. Rotondo pertaining to the pond; asked if drainage from the pond is above or below ground; asked the age of the pond. Mr. Chatfield said the drainage is underground and at least 2 or 3 owners ago put the pond in; explained the pond levels. **Motion** by R. Nalette **to *table* Application #IW10-28.** *Discussion:* Discussion followed

regarding accepting the application, enforcing erosion controls with haybales and double row of silt fence, having the applicant here next month and enforcing the warning letter. R. Nalette *withdrew* his motion to table and made a **motion to *accept* Application #IW10-28, 151 Chapel Road, proposal to maintain existing trench by removing eroded material, application of Neil Jenny, Map: 36, Block: 154, Lot: 41A, Zone: RU-3.** Second by J. Rollins. **Vote:** all in favor except Chris Kiely (abstained) – **motion carried.**

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 explained he sent the by-laws to Attorney Nelligan for his suggestions.

Item 9. **Warnings**

A. Neil Jenny, 151 Chapel Road – *addressed earlier*

Item 10. **Violations** – none

Item 11. **Communications & Bills**

a. Chairman's Report: Chairman Waring noted the 3 items on training in the packet. J. Rollins asked about the CACIWC seminar on 11/13.

b. Ric Nalette – Salt-Calcium at Highland Lake – Public Works Information: Chairman Waring noted there was information in the packet. R. Nalette said he would have liked the document to be stronger; asked the Commission to approve the letter without changes and send to the Board of Selectmen and Jim Rotondo for their action; said straight salt is better than salt and sand; only good things are being reported. **Motion** by R. Nalette **that the Inland Wetlands Commission endorse the 9/13/10 recommendation of the Highland Lake Watershed Association Ad Hoc Salt & Sand Committee.** Second by J. Rollins. *Discussion:* S. Molinelli asked if there is teeth in this. R. Nalette said there is no teeth. J. Rollins said we can't tell them to do it but we can recommend it. R. Nalette said Jim Rotondo was already looking into it; feels Mr. Rotondo would have come up with a plan anyway; State has already replaced their salt/sand. J. Rollins said even if only do this around the Lake as a test; don't need to commit all the way. **Vote**: all in favor – **motion carried unanimous.**

c. State of Connecticut Freedom of Information Commission 10/14/10: Chairman Waring noted the meeting was last week. S. Eisenlohr will get information from the meeting to Commissioners. Chairman Waring said he is sure there is good information

d. Clerk's hours: **Motion** by S. Peacock **to pay 1.75 hours to the clerk for the minutes of 9/15/10.** Second by J. Rollins. **Vote**: all in favor – **motion carried unanimous.**

Item 12. **Adjournment**

Motion by R. Nalette **to adjourn at 10:17 p.m.** Second by B. O'Heron. **Vote**: all in favor – **motion carried unanimous.**

Minutes respectfully submitted,

Laurie Bessette
Minutes Secretary