



TOWN OF WINCHESTER – CITY OF WINSTED

Town Hall – 338 Main Street
WINSTED, CONNECTICUT 06098

FILED
CLERK'S OFFICE

AUG 25 2010

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

*Minutes of the Regular Meeting
Inland Wetlands and Watercourses Commission
August 18, 2010*

The Inland Wetlands Commission met in the P. Francis Hicks Room. Call to order was made by Chairman Chris Waring at 7:05 p.m. The following members answered roll call: Chairman Chris Waring, Chris Kiely, Stephen Molinelli, Ric Nalette, Brian O'Heron, Susan Peacock, James Rollins, Jr. and Scott Eisenlohr, Wetlands Agent. Jonathan Reinert was absent and Robert Haburey was absent excused.

Item 3. Approval of Minutes

Motion by J. Rollins to *approve* the minutes of July 21, 2010. Second by C. Kiely. Vote: All in favor—motion carried unanimous.

Item 4. Agenda Review – S. Eisenlohr added Law Works, 22 Rowley Street, under other business.

Item 5. Old Business

A. Application #IW10-15, 542 West Wakefield Boulevard, proposal to build a stone and cement wall in place of the riprap with stairs for Deborah Mendell, Map 38, Block 003, Lot 115, Zone HLD. Ms. Mendell present. Chairman Waring reviewed the proposal. R. Nalette asked about the new drawing. S. Eisenlohr said the plan is very accurate; supplied pictures. J. Rollins asked about the proposed retaining wall as proposed by the previous owner; asked if it was approved, why was it ripped instead. S. Eisenlohr explained they didn't get around to it. B. O'Heron verified it was approved. J. Rollins said he doesn't remember that being approved. S. Peacock read from meeting minutes of 3/17/04 and 4/14/04 pertaining to the concrete wall not the retaining wall; distributed pictures from those meetings; noted a violation on the permit was addressed in 2005. Chairman Waring said the question was the proposed retaining wall and deck. J. Rollins asked what the address is – that was 544. S. Peacock said there was a wall ripped out there. Discussion followed regarding activity on that property. B. O'Heron said what was, was and what is, is; the applicant has come in for a permit to replace the riprap with a wall and stairs; there are 2 sonnatubes there. S. Peacock said she knew that whole area was an issue; has no problem with this. Chairman Waring said he wanted to know if that whole thing was already approved in 2004 although it would have been past its date anyway. Motion by B. O'Heron to *approve* Application #IW10-15, 542 West Wakefield Boulevard, proposal to build a stone and cement wall with 6' – 8' wide recessed stairs in place of the stone riprap per variance plan used dated 3/1/02 for Deborah Mendell, Map 38, Block 003, Lot 115, 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 & 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 anytime.
15. Excavation for wall to be completed in dry section of lakebed. Excavation in water not allowed. Erosion control to be used during excavation.
16. Project to be completed during 3' draw down of Lake.
17. No additional sand shall be added.
18. Excess material to be disposed off off-site.
19. The proposed 6' – 8' wide staircase is not to protrude into the water. Staircase will be recessed into the ground.
20. The applicant is allowed to incorporate weep holes in the wall as required.
21. Inland Wetland Agent to inspect erosion & sedimentation controls before construction

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begins.

22. **Inland Wetland Agent & 2 Inland Wetland Commission members measure wall location prior to construction.**

23. **Commission allows removal of two (2) sonnatubes from the lakebed.**

Second by S. Peacock. *Discussion:* Discussion took place regarding depth of drawdown needed for work, location of erosion & sedimentation controls and determining exact location of wall & stairs – need for a sketch. Applicant would like to take piers out. **Vote: all in favor – motion carried unanimous.**

Item 6. **New Business**

A. Application #IW10-20

Applicant: Town of Winchester Water Level Committee

Location: Resha Beach

Proposal: To Modify Water Level for 2010/2011 and Maintenance

Chairman Waring asked if this is a new application or a modification of existing application #08-34. S. Eisenlohr said modification. Clare Stevens, Chairperson of the Highland Lake Water Level Committee, explained their committee's role; noted schedule in packet was approved; seeking modification of schedule for 2010-2011; introduced Shirley Allshouse as a committee member and 43 year resident. J. Rollins asked what is the depth of the drawdown being proposed. Mrs. Stevens said 5'. Ms. Allshouse explained in the packet is a report requesting a remedial drawdown to open the gates on 10/15 and keep open until 5' below or November 30th – whichever occurs 1st; don't want to risk another bog; had floating bogs in years previous; distributed photographs; 5' will provide sufficient exposure to do clean up of beach; this is the beach used by little kids; volunteers cleaned it recently and removed material; Committee see this as allowing the Town an opportunity; aware there are little funds in Town so it will be a volunteer effort; we are not specifically recommending any methods/projects. J. Rollins verified a permit would be made from the Town. Ms. Allshouse noted this was a factor in not having the relay race this year. S. Eisenlohr said this is an application; originally came in November 2008 and they are requesting to modify that application; they are explaining they would like to do this by hand but if the muck is frozen, would like to have volunteers up there; subject to the weather; volunteers will pick up/pull out whatever they can and Public Works will haul it away but if they can go a little further they would like to. R. Nalette asked the definition of go a little further. S. Eisenlohr said if someone would donate some money so someone can muck off the beach itself from the lakebed; situation is sort of dangerous. J. Rollins said the handwork is part of the modification. Ms. Allshouse said we are not doing a project/heading up a project; this would be up to the Town and perhaps the Recreation Board, Boy Scouts, etc; our purview stops here. J. Rollins said the Commission just asks for the drawdown. S. Eisenlohr said if the Town changes it, the Town will come back to you; working on last minute plans. Chairman Waring said have time for an actual application in for the actual clean-up; this is just water levels. S. Molinelli said if we don't act on it by October the time is very close. B. O'Heron noted in a drawdown, you can go in and pick up debris but if someone wants to go in with a bulldozer to get a log out, that's a different story. Chairman Waring said cover for that eventuality. **Motion by J. Rollins to approve the modification of Application #IW08-34, proposal to open the gate on October 15, 2010 and keep open until water level reaches 5' below the spillway or November 30th; whichever is 1st; (must not draw below 5 feet down). Based on data from Dr. Knoecklein's report and from Public Works, we estimate the lake can be drawn down 3 to 4 inches per day, depending upon precipitation. Estimate to reach target level or 5 feet down is 18 to 20 days. Close gate at the latest on December 1, 2010 regardless of whether target depth has been reached and allow lake to refill naturally back to a level of 3 feet below spillway level, for the Town of Winchester Water Level Committee, Map 38, Block 003, Lot 115, Zone HLD. The authorized activity is based on oral and written testimony and is subject to the following additional conditions:**

- 1. The permittee shall notify Scott Eisenlohr, Inland Wetlands Enforcement Officer at 860.738.6980 immediately upon the commencement of work and upon its completion or Notice of Violation will be issued.**
- 2. If the authorized activity is not completed within four (4) years from the issuance of the date of permit, said activity shall cease and, if not previously revoked or specifically renewed or extended, the permit shall be null and void. Any request to renew or extend the expiration date**

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of a permit should be filed in accordance with the Inland Wetland Regulations of the Town of Winchester. Expired permits may not be renewed and the Inland Wetland Commission may require a new application for regulated activities.

3. Each year may be modified with an application pending any ecology studies.
4. Each year the Water Level Ad Hoc Committee shall meet to discuss possible changes to the schedule and provide a written report to the Inland Wetland Commission.
5. The rationale for going to 5' down is to expose more of the lakebed to allow the opportunity for removal of some materials brought in by the floating bog (dangerous debris and organic matter); as long as the 5' drawdown level is not exceeded, the Committee believes there is little risk of having another floating bog even if the Lake should not entirely refill the 2' back to the 3' mark before ice cover; of the 2 Town beaches, Resha Beach is the better one for use by young children as it has a gradual grade and does not have the drop-off that Holland Beach has.
6. Appropriate signage located prior to September 6, 2010 with notification to residents prior to drawdown.

Discussion: Discussion followed regarding conditions. Second by R. Nalette. S. Molinelli asked how the community will know the drawdown will begin October 15th and not November 1st; felt someone is obligated to inform people to get their boats off their lifts. Ms. Allshouse said she will report the results at the next Board meeting; we'll do our part to publicize it. S. Eisenlohr said he has to do a legal notice but no one reads legal notices. Discussion followed regarding putting signs up around the Lake. Ms. Allshouse will ask her Board if they would be willing to do it. B. O'Heron suggested Public Works do it. J. Rollins said all we have to do is condition that signs be put up; if it doesn't get done, we don't open the gates. Additional discussion regarding getting the signs up early. Ms. Allshouse asked if the Town will be responsible for publicity/notification. S. Molinelli asked if the Board would be willing to put their signs up of notification. Ms. Allshouse said I'm sure. S. Peacock said and the newsletter. S. Molinelli noted there's a mailing going out within the next week or so. Ms. Allshouse said we have the ability to e-mail too. J. Rollins said no matter how much we do, we can't hit everybody. Chairman Waring noted condition #6 pertaining to signage. S. Molinelli said by Labor Day. Brief discussion followed regarding wording for the condition; leave it to Scott to make sure people are notified. **Vote: all in favor – motion carried unanimous.** Chairman Waring verified the Town will put in an application for any actual work next month.

Commissioner O'Heron recused himself to the audience.

B. Application #IW05-47

Applicant: Brian O'Heron

Location: 212 West Wakefield Boulevard

Map: 133, Block: 120, Lot(s) 005A-6A, Zone: HLD

Proposal: Modification to Place a 3'5" High Guard Rail on Parking Car Edge of Area

Mr. O'Heron explained his proposal for a guardrail to prevent people from going over the retaining wall; do have a mock-up in place; will probably be more like 2.5'; within 50' of water. Chairman Waring asked how will they be put in the ground. Mr. O'Heron said already have 5-gallon pails in the ground; put them in the pails and fill with stone; other people have them all over Town; people have gone over retaining walls. Chairman Waring noted there is a draft motion for a 5-year extension for this application. S. Eisenlohr said the applicant's not ready for that yet – still has another year for this application. R. Nalette verified this is only a modification. S. Eisenlohr noted the applicant would like to park on the underground propane tank and the fence is there to protect from going any further; the Fire Marshall will not allow that; the applicant is going before Planning & Zoning; may have to put the fence in front of the propane tank and find another location; will that be okay with the Commission if the location of the fence changes, will it still be okay. Chairman Waring verified the location would be further from the water. Mr. O'Heron said if worse comes to worse, I won't park there but will still want the fence there. Chairman Waring said that will pull it away another 10'; if you park there is irregardless. **Motion by S. Peacock to approve the modification of Application #IW05-47, 212 West Wakefield Boulevard, proposal to build a guard rail fence on property of Wakefield LLC, Map 113, Block 120, Lots 005A-6A, Zone HLD as shown on plans entitled Wakefield LLC West Wakefield Boulevard, Winchester CT prepared by Northeast**

Consulting LLC dated 4/24/06. The authorized activity is based on oral and written testimony and is subject to standard conditions #1 – 12. Second by R. Nalette. *Discussion:* Discussion followed regarding conditions and if anyone has come before Commission for these. *Vote:* all in favor – motion carried unanimous.

Commissioner O'Heron rejoined the Commission.

Item 7. Other Business

- A. Town of Winchester Section 162: *Carried to next month*
- B. Town of Winchester Inland Wetlands Regulations Possible Amendments/Revisions: S. Eisenlohr explained he went to a seminar recently; if you think of items for revision, write them down; may start changing them.
- C. Draft Motion Forms for Last Month's decisions for Law Works: Chairman Waring noted there are 2 – one for transfer and one for modification; both were approved last month; verified there are final copies for everyone's signature. Discussion followed regarding who motioned and who seconded each motion.

Item 8. Agent Determinations - none

Item 9. Warnings – none

Item 10. Violations – none

Item 11. Communications & Bills

- a. Chairman's report: nothing
- b. Ric Nalette – Salt-Calcium at Highland Lake: R. Nalette said things are moving along; sub-committee met with Public Works of Harwinton. S. Molinelli asked if the new procedure will be adopted by the Town this year. R. Nalette said Mr. Rotondo has been open and has attended both visits of other Public Works sites; believe committee will recommend doing sample road before full implementation but that hasn't been decided
- c. Clerk's hours: none

[Someone in audience was talking to the Commission off microphone so unable to transcribe.]

Item 12. Adjournment

Motion by R. Nalette to adjourn at 8:01 p.m. Second by J. Rollins. Vote: all in favor – motion carried unanimous.

Minutes respectfully submitted as taken off recording,



Laurie Bessette
Minutes Secretary