TOWN OF WINCHESTER – CITY OF WINSTED

Town Hall – 338 Main Street

WINSTED, CONNECTICUT 06098

Minutes of the Regular Meeting
Inland Wetlands and Watercourses Commission
July 21, 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, Ric Nalette, Brian O'Heron, Susan Peacock, James Rollins, Jr. and Scott Eisenlohr, Wetlands Agent. Stephen Molinelli was not present and Jonathan Reinert was absent excused.

Item 3. **Approval of Minutes**
Motion by R. Nalette **to *approve* the minutes of June 16, 2010.** Second by J. Rollins. **Vote:** All in favor except R. Haburey (abstained) – **motion carried.**

Item 4. **Agenda Review** – S. Eisenlohr added Law Works, 22 Rowley Street, transfer name and modification as Item 7B.

Item 5. **Old Business**

A. **Application #IW10-09, 370 Platt Hill Road –** representative not present. **Motion** by R. Nalette **to move to when the applicant is here.** Second by J. Rollins. **Vote**: all in favor – **motion carried unanimous.**

B. **Application #IW10-12, 390 Winchester Road**, proposal for water trampoline in private camp lake for Greenwood Trails, LLC, Map 19, Block 156, Lot 23-2B, Zone RU-3. S. Eisenlohr explained a permit is not required since this is a private lake. R. Nalette asked if he consulted with Attorney Nelligan. S. Eisenlohr said he talked with other land-use people. **Motion** by J. Rollins **to remove from the agenda due to that it's a right-of-use; should return the application fee.** Second by C. Kiely. **Vote**: all in favor – **motion carried unanimous.**

There was no item 6 on the agenda

Item 7. **New Business**

A. **Application #IW10-15**
Applicant: Deborah Mendell
Location: 542 West Wakefield Boulevard
Map: 38, Blk: 003, Lot(s) 115, Zone: HLD
Proposal: To build a stone and cement wall in place of the riprap with stairs.

Ms. Mendell explained the proposal; noted there are currently loose rocks and rip-rap; losing property; wall will be similar to the adjacent wall; will use as much of the existing rock as possible. Chairman Waring verified the location of the existing stone/rip-rap; asked about the rest of the area on the drawing with the lines; asked if the stairs are on the edge of the rock/rip-rap. Ms. Mendell said the stairs are not there; will be cutting into the property a little bit. S. Peacock asked if they will be on the lake-bottom or on the land; don't usually build into the water but back into the land. Ms. Mendell said the base/rock is where the last step will be. S. Peacock verified the rock is in the water. Ms. Mendell said not really. Discussion followed regarding the location of this property (former Wertheim property). S. Peacock asked if the dock is existing. Ms. Mendell said it is straight out into the Lake. Further discussion regarding activity on adjacent properties. S. Eisenlohr offered to provide the plan from the Wertheim applications for next month. R. Nalette asked Ms. Mendell to explain what is there now. Ms. Mendell listed existing structures. R. Nalette said so the only thing missing is the deck. Ms. Mendell said she doesn't want a deck – just the wall. Chairman Waring verified the location of the proposed stairs/wall; asked for a new drawing showing

the location of the stairs/wall prior to next month's meeting. R. Haburey asked the depth of the water and if a deep drawdown is necessary. Ms. Mendell said very shallow – doesn't need a deep drawdown. B. O'Heron asked if this meets the requirements. S. Eisenlohr said no, but he'll work with the applicant to make sure it does. S. Peacock said the main thing is to not fill the Lake. Brief discussion followed regarding previous activity on the waterfront. **Motion** by R. Nalette **to *accept* Application #IW10-15, 542 West Wakefield Boulevard, proposal to build a stone and cement wall in place of the riprap with stairs, application of Deborah Mendell, Map 38, Block 003, Lot 115, Zone HLD.** Second by S. Peacock. **Vote**: all in favor – **motion carried unanimous.**

Item 5. **Old Business** *(continued from earlier)*

A. Application #IW10-09, 370 Platt Hill Road, proposal for feasibility plan for single-family residence; house, well and driveway in regulated area for Thomas Outwater, Map 32, Block 153, Lot 6D-2, Zone RU-1. Ken Hrica, representing the applicant, reviewed the proposal; addressed the letter from Sean Hayden of NW Conservation; distributed a revised plan; proposing a rain garden/bio-retention area by the northeast corner of the house; it's the flattest area of soil; is in the regulated area; used the NW Conservation design. J. Rollins verified the garden is appropriately sized. Mr. Hrica said it might even be oversized as it serves 2 functions. B. O'Heron asked if this meets the requirements. Mr. Hrica noted he hasn't talked with Sean Hayden. S. Eisenlohr said he talked with Sean Hayden who said he would be happy with any of the three; the engineer engineered it to the site. J. Rollins asked the life expectancy of the rain garden. Mr. Hrica said the driveway will be paved so as long as there's not bare soil or dirt in the driveway that washes in, the life expectancy should be indefinite; once vegetation is established, there will be nothing but water going in there. R. Nalette asked if there is anything in the subdivision regulations to prevent this. Mr. Hrica said he doesn't believe this was born from a subdivision; has been split for some time; client bought this as two separate parcels. J. Rollins asked if his client owns the property on the back side. Mr. Hrica said no, just the two lots. J. Rollins said noted the revision date of 7/21/10 on the plans. **Motion** by J. Rollins **to *approve* Application #IW10-09, 370 Platt Hill Road, proposal for feasibility plan for single-family residence; house, well and driveway in regulated area (revision plan dated 7/21/10) for Thomas Outwater Map 32, Block 153, Lot 6D-2, Zone RU-1. 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 $ 1,000.00 be submitted to the Inland Wetland Office before construction begins.**
14. **Comply with Northwest Conservation District Letter dated July 20, 2010.**
15. **Stumps are not to be buried on site and are to be legally disposed of off site.**
16. **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.**
17. **Per plan, grading and permanent stabilization must be finished in the wetland and setback areas of the drainage swales, swales, driveway and all cross culverts. Any slope protection be installed and stabilized per plan and inspected by the Inland Wetland Agent before excavation of house foundation and septic system begins.**

Second by R. Nalette. *Discussion:* R. Nalette verified the $1,000 covers the added activity of the rain garden. J. Rollins said it should be fine; asked about adding the revised plan date to the conditions. **Vote**: all in favor – **motion carried unanimous.**

Item 7. **New Business** *(continued from earlier)*

B. Application #IW10-19
Applicant: Law Works
Location: 22 Rowley Street
Map: 111, Blk: 070, Lot(s): 025B & 026, Zone: CB-2
Proposal: Transfer name and modify to repair retaining wall

Todd Parsons, Lenard Engineering, representing the applicant, explained this was previously before the Inland Wetlands Commission; explained the location; said in 2007, a portion of the retaining wall collapsed – 20' at the bottom and 60' at the top; SCASCO hired Lenard & DiCara to monitor the movement; determined it was moving very little; in 2008, developed a plan to repair the wall; the majority of the wall was owned by Law Works; the 2 parties couldn't agree; in 2009, Griffith Energy (SCASCO) prepared a plan to stabilize behind the existing wall using a pre-cast wall and the Inland Wetlands Commission approved it 10 months ago (permit #IW09-27); DEP also issued a permit; very recently Law Works and Griffith made an agreement; Law Works will take on the majority of the work and Griffith will contribute; requesting to modify the approval and transfer the permit from Griffith to Law Works; would like to do the original plan; noted the property follows the face of the wall and then goes 3' behind the existing wall; described activity on each property; reviewed the construction sequence; explained the project is regulated by the DEP so will have to re-submit to them; notification of this agreement was made last week; when re-submitting to the DEP, may be required to notify the Inland Wetlands Commission if they are required to submit a new application instead of a modification; noted the property line issues really complicated things; need 3 things – the Inland Wetlands permit, the DEP permit and the right weather to get this done. R. Haburey asked about ownership. R. Nalette said when this originally happened, Lenard came up with a plan, asked did that ever come before the Inland Wetlands Commission. Mr. Parsons said no. Chairman Waring verified will be using existing materials. Mr. Parsons said yes but may need to bring in some. C. Kiely verified will aesthetically match. R. Nalette asked if they can do anything to make sure the mortar isn't glaringly white. Mr. Parsons said it will be a dry wall – no mortar. S. Peacock asked why the wall collapsed and can it happen again. Mr. Parsons said no one knows; it was over 100 years old but it's possible it can happen again. Brief discussion followed regarding ownership of property into the stream and an old dam. Chairman Waring noted they are taking a pretty big cut of the parking lot to do the work. Mr. Parsons explained the contractor wanted to have the option of using shoring for the excavation. R. Nalette asked if any drainage is being considered for the driveway. Mr. Parsons said water flows either over the wall or into the catch basin – not going to touch the drainage. S. Peacock asked how the water will be controlled during construction. Mr. Parsons said will have to monitor it closely until the wall is up a couple of feet. S. Peacock asked how long the work will take. Mr. Parsons said a couple of weeks. Chairman Waring asked for options of the modification and name transfer. S. Eisenlohr said 1st is the name change and 2nd is the modification; explained his conversation with Mr. Parsons; goal is to get this going right away as timing is everything. R. Haburey said the 1st plan used a barrier behind; asked can that still be done. Mr. Parsons said there's no reason since it's pretty flat. R. Haburey said it was supposed to stop erosion from the parking lot; no one knows why it collapsed. J. Rollins noted the first one lasted over 100 years. S. Eisenlohr said it may have collapsed due to sheet flow after the parking lot was paved. Discussion followed regarding activity on neighboring properties within the last few years possibly causing the failure. J. Rollins said been talking about shoring; will be driving pyles? Mr. Parsons said will use Mafia blocks. R. Nalette verified the ownership names. S. Peacock said given that this followed paving, is there adequate drainage for that surface area. Mr. Parsons said not creating more paving; draining toward the catch basin with a very small area going over the wall; catch basin is typical but the pipe through the wall is existing. J. Rollins suggested curbing it so it goes toward the catch basin. B. O'Heron verified Mr. Parsons is okay with the drainage. Mr. Parsons said he is and DEP won't care if it's being curbed. S. Eisenlohr recommended wording for the name transfer motion. **Motion** by R. Nalette **to *transfer* permit #IW09-27 from Griffith Energy (dba SCASCO) to Law Works, 97 Main Street, P.O. Box 232, Winsted, CT.** Second by B. O'Heron. **Vote**: all in favor – **motion carried unanimous**. Chairman Waring reviewed the options for the modification. R. Nalette said he wasn't comfortable making the modification tonight; would like Sean Hayden to look at it; water is running off the parking lot into wetlands; see if the wall can be made better; would like to table it. R. Haburey asked what design is better – tonight's or the previous one. Mr. Parsons said this is better as it puts back a consistent face; the last plan left the wall but it was the best option at the time. S. Eisenlohr added the previous was a band-aid with the wound still there; noted Sean Hayden deals with erosion & sedimentation controls - this is structural. J. Rollins felt curbing is a great idea to keep the water from going over the wall; is a primary treatment. S. Eisenlohr said when SCASCO came in for the paving,

made them fix the existing catch basin; not sure there is a sump. B. O'Heron asked for wording for the motion. S. Eisenlohr said it would be the same as the previous approval (included in the packet). **Motion** by B. O'Heron **to *approve* the modification as presented by Lenard Engineering and add condition #14 of adding curbing.** R. Haburey suggested a condition of cleaning the catchbasin. J. Rollins said 2 years ago, he was estimating this job but it was too much for him; noted this is virtually the same as the one originally approved; asked if he should vote. S. Eisenlohr said if he has information and it would help the Commission, he should share but if he didn't put a bid in on the work then he has no financial interest and can vote. Second by J. Rollins. R. Haburey reiterated the additional conditions of curbing and cleaning the catchbasin. Brief discussion followed regarding the necessity of curbing. S. Peacock verified Mr. Parsons is representing Law Works. Discussion followed regarding the agreement/disclosure/ cooperation of all parties. S. Eisenlohr clarified the wording for the curb condition. Chairman Waring verified the condition of maintenance of the catchbasin. J. Rollins said this is the right way to go; Mafia block retaining wall is a good option; only issue is the pump settling basin – verified this is a relatively short-term situation; verified the catchbasin will have at least one silt-sack. Mr. Parsons said can add it; can be a problem depending on the soil type but this is sandy; can have silt-sacks on site. J. Rollins asked about the coffer dam; wanted to leave that to the discretion of the contractor as it can cause a lot of disturbance to the watercourse. Chairman Waring asked how long coffer dams would be needed. Mr. Parsons said he would like to leave that up to the contractor as they may not be needed at all. J. Rollins agreed it should be left up to the contractor; explained how a coffer dam is installed and removed. S. Peacock asked what if they are not used. Extensive discussion followed regarding the use of coffer dams, leaving it to the discretion of the engineer, contractor and Inland Wetlands Agent, stability of the existing base rocks and getting DEP approval for the modification. **Vote**: all in favor except R. Nalette (opposed) – **motion carried**. *The final motion was:* **Motion to APPROVE Modification to Application #IW09-27, 22 Rowley Street per Site Plan Approval for The Law Works by Hrica Associates, LLC, proposal for modification, repair retaining wall, Map 111, Block 070, Lots 025/026, Zone CB-2, based on oral and written testimony. Conditions 1-12 are standard Inland Wetland Commission conditions and the following additional conditions:**

13. **Cash erosion and sedimentation control bond of $ 2,000.00 be submitted to the Inland Wetland Office before construction begins.**
14. **Add some type of curbing along top of wall in order to direct runoff to existing catch basin.**
15. **Provide continued maintenance of existing catch basin as required.**
16. **Coffer dam at the discretion of the Inland Wetland Agent and engineer, contractor and owner.**
17. **Copy of application and approval letter from DEP for IWC office file.**

Item 8. **Other Business**

Review of Section 162: Chairman Waring said the Commission will review this issue again in a few months.

Item 9. **Agent Determinations**

B. Application #IW10-17 *(J. Rollins recused himself from discussion on this item)*

Applicant: Joseph Brennan
Location: 102 Sucker Brook Road
Map: 032, Blk: 153, Lot: 38, Zone: RU-1
Proposal: Construct repair of septic system & foundation drain in regulated upland area

S. Eisenlohr explained the proposal of replacing the existing septic system in the existing lawn area. Mr. Parsons added the system is from 1968 – did not have reserve areas then. Discussion followed regarding location and proximities. ***Commission supported.***

A. Application #IW10-16

Applicant: Peggy Neal
Location: 674 East Wakefield Boulevard
Map: 38, Blk: 107, Lot: 30, Zone: HLD

Proposal: Extend deck by adding 4' X 16' Section with 10 piers (12" diameter piers) at the most.
S. Eisenlohr reviewed the proposal; noted it's for the piers – most are existing but some will be new; explained it is 50.7' from the Lake; expanding the existing porch; will be adding stone beneath it; read the narrative into the record.

Commissioner Molinelli arrived at 8:30 p.m.

Extensive discussion followed regarding enclosing the porch, the Zoning Board of Appeals approval and the possibility of the Chairman and Wetlands Agent discussing all agent determinations prior to approval. ***Commission supported the agent determination for Application #IW10-16.***

C. Application #IW10-18
Applicant: Bob Passini
Location: 416 Platt Hill Road
Map: 037, Blk: 154, Lot: 4A, Zone: RU-3
Proposal: Install an 18' X 36' in-ground pool
S. Eisenlohr explained the location of the activity; noted it's fairly flat. R. Haburey asked if the lot had to be surveyed. Discussion followed regarding TAHD having approved this and this possibly should have come before the Commission. ***Commission supported.***

Item 10. **Warnings** – none

Item 11. **Violations** – none

Item 12. **Communications & Bills**

a. Chairman's report: Chairman Waring noted CACIWIC's *The Habitat* has some good information in it; said CACIWIC's Annual Conference is on 11/11.
b. Ric Nalette – Salt-Calcium at Highland Lake: R. Nalette said HLWA has invited him to 2 meetings; got a lot of information; boils down to 3 different products – ClearLane, MagicSalt & straight road salt; discussed modifications to trucks, costs per lane mile, etc.; HLWA would like to adopt one of the three; haven't decided which to recommend to test for a year; MagicSalt is being used by Norfolk – they love it; will be meeting with Jim Rotondo and checking out Norfolk. Chairman Waring asked if the premise is to use this only in the watershed area or all over Town. R. Nalette said both. Chairman Waring asked if they are all proven to reduce sand run-off. R. Nalette said they don't use sand; chemical effects are EPA supported. B. O'Heron noted a lot of trees die from use of salt. R. Nalette said ClearLane and Magic Salt address that since there is less scatter.
c. Clerk's hours: **Motion** by R. Nalette **to pay 2.25 hours to the clerk for the minutes of 6/16/10.** Second by C. Kiely. **Vote**: all in favor – **motion carried unanimous.**

Item 13. **Adjournment**
Motion by R. Nalette **to adjourn at 9:07 p.m.** Second by J. Rollins. **Vote**: all in favor – **motion carried unanimous.**

Minutes respectfully submitted,
Laurie Bessette
Minutes Secretary