



TOWN OF WINCHESTER – CITY OF WINSTED

Town Hall – 338 Main Street
WINSTED, CONNECTICUT 06098

FILED
CLERK'S OFFICE

MAY 25 2010

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

*Minutes of the Regular Meeting
Inland Wetlands and Watercourses Commission
May 19, 2010*

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

Item 3. Approval of Minutes

Motion by S. Molinelli to approve the minutes of April 21, 2010. Second by R. Nalette. *Discussion:* R. Nalette disagreed with the use of the word "verified" in Item 6A. "Vice-Chairman Waring verified a 3rd dock is allowed per the regulations"; said "inquired to" is correct. Vice-Chairman Waring concurred. **Vote:** All in favor except R. Nalette & J. Reinert (abstained) – **motion carried.**

Item 4. Agenda Review – S. Eisenlohr added 362 East Wakefield Boulevard – new boatlift to New Business, 161 East Lake Street – patio expansion & 133 East Lake Street – dock replacement to Other Business.

Item 5. Election of Officers: Vice-Chairman Waring explained the positions of Chairman, Vice-Chairman and Secretary are up for nomination; proceeded to make the call for election of Chairman. R. Nalette **nominated Chris Waring as Chairman.** Second by C. Kiely. *Call for nominations made two (2) additional times.* S. Molinelli **moved to close nominations.** Second by J. Rollins. Vote to close nominations: all in favor. Vote to appoint Chris Waring as Chairman: all in favor except C. Waring (abstained) – **motion carried.**

Chairman Waring opened the nomination for Vice-Chairman. J. Rollins **nominated Ric Nalette as Vice-Chairman.** Second by C. Kiely. *Call for nominations made two (2) additional times.* Vote to appoint Ric Nalette as Vice-Chairman: all in favor except R. Nalette (abstained) – **motion carried.**

Chairman Waring opened the nominations for Secretary. J. Rollins **nominated Bob Haburey as Secretary.** Second by B. O'Heron. Second call for nomination for the position of secretary. R. Nalette **nominated Sue Peacock.** Second by J. Rollins. *Discussion:* whether Sue has been sworn in yet and whether the position has to be filled tonight. **Motion by R. Nalette to table nomination of Secretary to next month.** Second by S. Molinelli. Vote: all in favor – **motion carried unanimous.**

Item 6. Old Business

A. Application #IW10-04, 109 West Wakefield Boulevard, proposal to place jetski lift in Lake within our existing property and construct 30' long by 6' wide dock access to lift, application of Rusty Owens, Map 109, Block 122, Lot 4A-4, Zone HLD. Mr. Owens explained he heard 2 concerns at last month – 1) if a 3rd dock is allowed; and 2) square footage; presented a reconfiguration of the 2nd existing dock. Chairman Waring verified this is in addition to the letter submitted in the packet to the Commission. Mr. Owens distributed drawings; explained the 1st page is the originally approved configuration of 520 s.f. R. Nalette verified this was approved but never installed. Mr. Owens said he isn't sure; explained when he purchased the property there was a lot of debris in the water; explained the 2nd page he distributed is what is existing today; noted there are four (4) homes that share this dock; said the configuration on the 3rd page will solve the issue and allow access; explained the plans; noted only two (2) vessels will be moored on the dock; everything else will be on lifts. Chairman Waring asked which are jetski lifts and which are boatlifts. Mr. Owens indicated which are which. S.

Molinelli asked if they are single or double. Mr. Owens said they are single. Chairman Waring verified which are boatlifts and which are jetski lifts. Mr. Owens indicated which is which. S. Molinelli verified there are four (4) homes with one (1) shared dock with three (3) kinds of lifts; verified if the 4th homeowner requests a lift they would have to come back to the Commission. Mr. Owens explained the 4th homeowner owns pontoon boats which are on the dock. S. Molinelli noted the 1st page adds up to 540 s.f. not 520 s.f. Chairman Waring verified this is in the location of dock #2; the 3rd dock is cross out and asked about dock #1. Mr. Owens said dock #1 stays – two (2) homes work off that; explained the linear footage. Chairman Waring verified the footage includes the existing boatlift and the proposed boatlift; noted last month the Commission talked about this not conforming with the regulations and said this comes down to being a consensus of what the Commission wants to do. Mr. Owens said one (1) lift exists and the 3rd lift is in the future; the dock is as they can afford it. Chairman Waring reminded Commissioners they have another month to decide. S. Molinelli asked what would be required if they just reposition it. J. Rollins said they would have to meet the new regulations. Discussion followed regarding if the size stayed the same or went smaller if it would be allowed. B. O’Heron felt this is an exception and should be separate from the dock & mooring regulations. Chairman Waring noted if they were just replacing sections, it could be done as an agent determination. Mr. Owens verified if they do anything outside of the approval, have to go back through Scott. S. Molinelli noted he would favor a reconfiguration. S. Eisenlohr said a reconfiguration brings it closer to following the regulations. B. O’Heron reiterated this has four (4) cottages. J. Rollins asked why 162 doesn’t apply. Chairman Waring said it falls into ownership of the 242’ lake access shared by six (6) properties; four (4) share this one (1) dock and two (2) share dock #1; originally proposed a 3rd dock. Discussion followed regarding right-of-way ownership, allowable exception, this being different than a right-of-way, possible precedents being set, whether Section 162 applies and the new information received tonight. S. Eisenlohr suggested over the next several weeks a few Commissioners could meet there.

Commissioner Rollins left the meeting at 7:40 p.m.

S. Molinelli said Section 162 needs to be honored and respected but there’s nothing else on the Lake like this. R. Nalette agreed this is a unique situation; said this ordinance does not apply only Highland Lake so this situation could apply on another lake; felt if issues are not addressed/covered they are not allowed; the dock configuration that was approved would allow multiple vessels and is still valid; asked the applicant why he’s not going with the originally permitted dock. Mr. Owens said the original would still have required an additional lift due to the shallowness of the water. R. Nalette verified the 1st set of T’s is too shallow for a vessel; asked why they would have configured the dock to be ineffective. Mr. Owens said he thinks that’s why the existing dock is the configuration it is. S. Molinelli said he disagrees that if the ordinance is silent then it’s disallowed; felt if it’s silent then it’s allowed/negotiable. Mr. Owens said he is in insurance and if it’s not expressly stated not covered then it’s covered. Chairman Waring agreed. B. O’Heron felt grandfathering applies. Chairman Waring asked if that’s built. S. Eisenlohr suggested changes through ownership. Chairman Waring asked the measurements of the walkway. Mr. Owens said 3’ X 6’. Chairman Waring asked if it would be possible to put the lift in so it doesn’t need a walkway. Mr. Owens explained the challenge of that. S. Molinelli said he doesn’t see this as an obstruction; noted there is 100’ of property. Chairman Waring asked that if this is tabled, that Commissioners get out there and look at it. B. O’Heron asked if Commissioners have a problem with this. S. Eisenlohr asked for an informal show of hands in favor to allow the applicant to come back if needed next month. **Motion by S. Molinelli to approve Application IW10-04, 109 West Wakefield Boulevard, proposal to place jetski lift in Lake within our existing property and construct 30’ long by 6’ wide dock access to lift, application of Rusty Owens, Map 109, Block 122, Lot 4A-4, 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. The plan as modified complies with Ordinance Section 162 and the applicant will conform to all other outstanding items in Section 162.

Second by B. O’Heron. *Discussion:* Consensus is to use the plan on the 3rd page. R. Nalette said he prefers the originally presented 3rd dock; felt the new dock violates the square footage and creates an

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alcove – closes off a section of waterfront; 1st dock won't cause navigational hazards. S. Eisenlohr asked if the square footage will be 344 or 444. Mr. Owens said 444. S. Eisenlohr verified the 444 includes two (2) boatlifts and one (1) jetski lift. Mr. Owens said no, that's only the dock. Mr. Owen's neighbor said if they went with the 3rd dock they would still need a 3rd lift. S. Molinelli noted if the 3rd dock was approved, it would be an additional 180' of dock; supported the modification; don't see the swimming pool concern. Chairman Waring asked if a clarification is needed on the conditions; asked if condition 13 should be removed and replaced with going to 444 which is a reduction from the 540. S. Eisenlohr read his proposed condition. S. Molinelli suggested a condition of any changes go through Scott. Mr. Owens verified if the footprint is modified, he has to go through the Town. Chairman Waring read a suggested condition. B. O'Heron verified that if an applicant makes any changes, he has to come back is standard practice. Vote: all in favor except R. Nalette (opposed) and J. Reinert (abstained) - **motion carried.**

- B. Application #IW10-05, 212 East Wakefield Boulevard, proposal to repair existing dock, application of Brian Zadrozny, Map 114, Block 105B, Lots 146-148, Zone HLD.** S. Eisenlohr said the applicant called and asked to table this application. **Motion by R. Nalette to table Application #IW10-05, 212 East Wakefield Boulevard, proposal to repair existing dock, application of Brian Zadrozny, Map 114, Block 105B, Lots 146-148, Zone HLD.** Second by C. Kiely. Vote: all in favor - **motion carried unanimous.**

Item 7. New Business

A. Application #IW10-07

Applicant: Christopher H. Comey
Location: 628 East Wakefield Boulevard
Map: 38, Blk: 107, Lot(s) 001, Zone: HLD

Proposal: Place boat lift and swim float; boatlift will be 12' from property line and lift will have 3' X 6' walkway bolted to seawall; swim float attached to lakebed.

Christopher H. Comey explained there is an existing removable dock on the right side of the property and a seawall with steps in the center; proposing a new boatlift and walkway to the lift; also asking for an inflatable swim float. Chairman Waring asked if the 40' is to the far side or near side. Mr. Comey said it's to the center; verified they can be 50' out at the farthest point. S. Molinelli verified it will be 30' with a 10' x 10'. Chairman Waring suggested the condition that the outside edge be no further than 50'; read the details of the property asked if it is existing. Mr. Comey said the 2 – 10' X 20' sections are removable. S. Molinelli verified they are 10' wide by 20' out. Mr. Comey said the 3rd is a swim float which they are not going to use. Chairman Waring asked 200 s.f. total. Mr. Comey said there are two (2) so it's 400 s.f. total. Chairman Waring verified that is existing; noted that is in the regulations – it is existing and he's not making changes; walkway is 3' x 6' and is bolted directly to the seawall; verified the lift is 6' out; asked the depth of the water. Mr. Comey said 10'. S. Molinelli asked if 6' gets you out onto your boat; concerned it won't. B. O'Heron verified the boat is a pontoon. Mr. Comey noted 26' is including the canopy. Brief discussion followed regarding actual distances needed. S. Molinelli felt it's too close. Chairman Waring explained the applicant needs to figure out what he really wants for next month. **Motion by R. Nalette to accept Application #IW10-07, 628 East Wakefield Boulevard, proposal to place boat lift and swim float; boatlift will be 12' from property line and lift will have 3' X 6' walkway bolted to seawall; swim float attached to lakebed, application of Christopher H. Comey, Map 38, Block 107, Lot 001, Zone HLD.** Second by J. Reinert. *Discussion:* S. Molinelli asked for the dimensions of the swim float. S. Eisenlohr noted it's on the plans – either option complies with the regulations. Vote: all in favor except C. Kiely (abstained) – **motion carried.**

Break called at 8:06 p.m. • Meeting reconvened at 8:13 p.m.

B. Application #IW10-08

Applicant: Rian Dartnell
Location: West Road
Map: 19, Blk: 156, Lot 23-2B, Zone: RU-3

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Proposal: Site Plan Modification - Relocate Main House to Area Adjacent to Existing Driveway, Move Main House Septic Away from Lake, Downsize Former Main House and Septic to 3-bedroom Guest House.

S. Eisenlohr explained this is a modification and should have been given the original permit number; noted it can be approved by the Commission tonight if they are comfortable with it. S. Molinelli said the Commission doesn't know what the original approval is. B. O'Heron asked who decides if it meets all outside agencies rules. S. Eisenlohr said the square footage of disturbance dictates it; for this or the original application called for it to go out. Ken Hrica, representing the applicant, explained this property is 128 acres; noted the property is within 500' of the Norfolk line which in fact runs through the property so did have to notify the Town of Norfolk this was being presented to the Commission tonight; proceeded to explain the original plan; noted it was a 2-lot subdivision known as the Pomerance property; during the original application, did keep disturbance under the Army Corp threshold of 5,000 s.f.; tonight's proposal has no additional disturbance – disturbance is 4,000 s.f.; explained the driveway is already constructed and goes to the planned house (not built yet); the original approval was for a driveway with a 4-bedroom house; explained the reason for the location change; noted the modification is to put the 4-bedroom house on the knoll with a garage; has downsized to allow for a possible future guest house – no architect has been hired until approval from the Commission; explained the details of the septic, guest house, etc. R. Nalette said he remembers the original application. Chairman Waring noted this is a pretty big modification; verified the new location of the septic has been approved. S. Molinelli felt this could be a new application. Mr. Hrica said this is an addition to the existing permit. R. Nalette agreed this is a modification to an existing application but it's a big change. S. Molinelli said if this came before the Commission as a new application, the Commission would only accept it; this is a whole new structure. Chairman Waring noted the Commission can take extra time; willing to see it as a modification with the caveat of extra time; asked if the Commission has to make a decision next month. S. Eisenlohr said there is no timetable for modifications. S. Molinelli verified there has been no activity in 4 years. Mr. Hrica noted the driveway was done; 1/2 mile long. Chairman Waring asked the original permit number. S. Eisenlohr said #IW05-20. R. Nalette said the Commission is within its rights to ask for additional information. **Motion by R. Nalette to accept Application #IW10-08 (#IW05-20), West Road, proposal for Site Plan Modification - Relocate Main House to Area Adjacent to Existing Driveway, Move Main House Septic Away from Lake, Downsize Former Main House and Septic to 3-bedroom Guest House, application of Rian Dartness, Map 19, Block 156, Lots 23-2B, Zone RU-3. Second by S. Molinelli. Discussion:** B. O'Heron asked if the septic will service both homes. Mr. Hrica said the same septic cannot service 2 houses but have downsized the 2nd significantly. C. Kiely asked if this property is gated. Mr. Hrica said it is gated but can hike to the property; will advise the applicant Commissioners may be on the property. Discussion followed regarding getting access to the property; access is located across from the cell tower in Norfolk. **Vote: all in favor – motion carried unanimous.**

C. Application #IW10-09

Applicant: Jen Perga

Location: 360 East Wakefield Boulevard

Map: 32, Blk: 105, Lot(s) 068E, Zone: HLD

Proposal: Put in new boat lift next to dock per plan.

Jen Perga explained this is her grandmothers house; dock was rebuilt 8 years ago – a fixed dock on piers, a long ramp with a float; boat pulls a lot and would like a boatlift to sit next to fixed dock. Chairman Waring verified it fits in the 16' X 10' area; verified still have 25' with the lift. **Motion by R. Nalette to accept Application #IW10-09, 360 East Wakefield Boulevard, proposal to Put in new boat lift next to dock per plan, application of Jen Perga, Map 32, Block 104, Lot 068E, Zone HLD. Second by S. Molinelli. Vote: all in favor except C. Kiely (abstained) – motion carried.**

Item 8. Other Business - none

- A. 161 East Wakefield Boulevard, Michael Mastriani –** S. Eisenlohr said the applicant want to replace the existing patio and extend it to each end of the house. Chairman Waring asked the location of the Lake on the drawings; verified it's going no closer to the Lake. J. Reinert asked if it will be even with both

sides of the house; asked if it will be squared. S. Eisenlohr said it could be a half circle from 1 corner of the house to the other but no closer to the Lake; was considering doing an agent approval. Chairman Waring asked if there will be stock-piling, etc. on the property. S. Eisenlohr said probably not. R. Nalette asked the distance from the Lake. S. Eisenlohr said it's on the plans. S. Molinelli asked the size of the patio. R. Nalette felt there is not enough information on the page provided to Commissioners. S. Eisenlohr explained he checked with Marc Melanson; it is within the regulated area but there is no problem. Discussion regarding if the patio will be pervious or non-pervious – patio will be pervious. S. Eisenlohr said he's not sure if patio pavers or blue stone will be used. **Motion by R. Nalette to allow Michael Mastriani to change the dimension of the patio as long as it maintains permeability and the record reflects the dimensions as an agent determination.** Second by S. Molinelli. **Vote: all in favor – motion carried unanimous.**

- B. 133 East Lake Street, Armand Padella** – Chairman Waring noted this is to replace a dock damaged by a boating accident. S. Eisenlohr distributed pictures and explained the Jordan's were not sure of the dimensions but had purchased the property from the Padella's so using the information from the Padella's application; told the applicant as long as they do the same size, it's okay. Discussion followed regarding this being a repair. **Motion by R. Nalette to approve this as an agent determination.** Second by B. O'Heron. *Discussion:* S. Eisenlohr said he's going to do this over the phone but the Mastriani application will require and application, fee, etc. **Vote: all in favor except C. Kiely (abstained) – motion carried.**

Item 9. **Agent Determinations - none**

Item 10. **Warnings – none**

Item 11. **Violations – none**

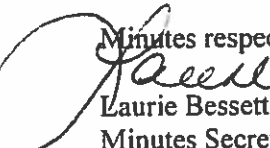
Item 12. **Communications & Bills**

- a. **Chairman's report:** Chairman Waring noted the Habitat was on each deck; would like to look at the dock & mooring ordinance – asked what the Commission's thought's are. S. Molinelli noted the most recent revision required at least 25 meetings; don't think it's warranted yet; the intent of a review is to anticipate future issues, not possibilities. Chairman Waring said would like to address past issues; fine tune the ordinance – take away the unknown. S. Eisenlohr noted one issue is Camps – gave the examples of Camp Delaware and Camp Wahnee. Discussion followed regarding jetski lifts and walkways. Heated discussion followed regarding the necessity of review and the process of the same – please put on next month's agenda.
- b. **Clerk's hours:** **Motion by R. Nalette to pay 2.0 hours to the clerk for the minutes of 4/21/10.** Second by S. Molinelli. **Vote: all in favor – motion carried unanimous.**
- c. **Ric Nalette – Salt-Calcium at Highland Lake:** R. Nalette explained he has not been invited to meet with the Highland Lake watershed Association yet but has forwarded them additional information on protocols; has state snowbook protocols and trying to get district snowbook protocols.

Item 13. **Adjournment**

Motion by R. Nalette to adjourn at 9:10 p.m. Second by C. Kiely. **Vote: all in favor – motion carried unanimous.**

Minutes respectfully submitted,


Laurie Bessette
Minutes Secretary

UWUC 5/19

2 Call to order 7:05 Vice Chair

3 Steve Ric Disc: Ric "ingured to"
instead of "verified"

Ric Jon Abstained
Passed

4 Scott added Jim Perge to New Business (7C)
Other 161 E Lake St - wants to expand patio
Armand Padella

Other: 133 E Lake St - dock destroyed in boating
accident

5 Chris W expl Chair is up for
Ric now Chris W
Chris K and

2 addl calls for nomination

Steve move to close nomina

Jim did

unanimous

vote in favor of Chris W all rec Chris W abst)

Chris opened call for Vice Chair
not Jim Ric Nabette
Chris K

Chris called 2 more nom

vote in favor
all except Ricab'ska

Bria nomin See
Gene

Chris opened for Secretary
Motion from Bob Habury
Brian and
2 calls

Disc: whether position has to be filled tonight

Disc motion to table nomination of secretary
Gene and
Unanimous

Break 805 810 Disc Charge

10-08-

8

Michael Mastrianni
161 E Lake St - repl existing patio - Scott said wants
to repl - make non persons patio - to ends of house
Chris W asked loc of lake on page; ^{verified} ~~not~~ not closer
to lake

Tom verified even w/ both sides of house; asked if
squared

Scott - ~~slb~~ ~~rounded~~ 1/2 circle - 1 corner of house
to other corner - not going closer to lake; was
considering an agent appol.

Chris W asked if stock piles etc

Scott prop not

Ric asked dist ← lake

Scott said on plans
Steve asked size of photo
Scott said...

Ric said not enough info on this page
Scott said ^{he checked w/ Marc} its w/ in regulated area but has no problem

Disc re: if its non previous or previous
Photo w/ b previous

Scott not sure of material - blue stone or photo papers
Commis supp if agent determination

Not Ric to allow Mastrian
to change dates of photo as long as it
maintains previous, ability & record
of reflect dimension as agent det
Steve 2nd Unannous

133 E Lake St - Armand Padella - Chris W not of
this is to repl dock damaged by boating
accident. Scott distrib picture - the
Jordans were not sure of measurements

But Jordans bought ← Padella's so
using info ← Padella's application; told
them as long as they do same size its okay
Disc re: this being a repair

Ric motion to apper agent determination
Brian 2nd

dis Scott - just going to do over

Chris Kabst

Mastrian, w/ b applic

12 A - Chris W - noted habitat was on desk
- w/ to re-do checklist morning ordinance

~~Committee will think~~

Steve - most recent revision req'd at least 25 mths
don't think its warranted yet; intent of
review is to anticipate future issues - not poss. to

Chris W - address past issues - fine tune ordinance
take away unknown

Scott - noted 1 issue is Camp Delaware - gave
details; Camp ~~at~~ Wahnee - need to
create a section for Camps - private paper

Disc re: jetski lifts & walkway

created disc re: necessity of review

& process of same - discuss next month

B C Motion to appl checker hrs of 4/21 for
2.0 hrs Ric

Steve Unanous

C Re - not invited to HLWA mtg - ~~revised~~ forwarded add'l
info on protocols - need district ~~part~~ snow book protocols

Motion to ~~app~~ adjourn @ 9:10

Ric

Chris K