TOWN OF WINCHESTER – CITY OF WINSTED

Town Hall – 338 Main Street

WINSTED, CONNECTICUT 06098

Minutes of the Regular Meeting
Inland Wetlands and Watercourses Commission
April 21, 2010

The Inland Wetlands Commission met in the P. Francis Hicks Room. Call to order was made by Vice-Chairman Chris Waring at 7:03 p.m. The following members answered roll call: Vice-Chairman Chris Waring, Ric Nalette, Brian O'Heron, Robert Haburey, Chris Kiely, Stephen Molinelli, James Rollins, Jr. and Scott Eisenlohr, Wetlands Agent. Chairman Tim O'Meara and Jonathon Reinert were absent excused.

Item 3. **Approval of Minutes**
Motion by R. Nalette **to *approve* the minutes of March 17, 2010.** Second by J. Rollins. **Vote:** All in favor except S. Molinelli & C. Kiely (abstained) – **motion carried.**

Item 4. **Agenda Review** – S. Eisenlohr explained there is an applicant who would like to add a modification for dock replacement on Perch Rock Trail but he's not here; asked Commission to add it to new business if he arrives.

Item 5. **Old Business**

A. **Application #IW10-01 Public Hearing (closed 3/17/10), 120 Colebrook River Road**, proposal to construct a 30,000 s.f. industrial building with parking lots, driveway, application of PCNK, LLC, Map 012, Block 150, Lot 048E, Zone IA-1. Jason Dismukes, representing the applicant, explained he received and agrees with the draft motion for this application. S. Eisenlohr verified Commissioners got the maintenance plan in their packets. J. Rollins asked if there is a process to ensure the maintenance plan is done and documented. S. Eisenlohr said he addressed that in condition #18. B. O'Heron verified that condition is legal. S. Eisenlohr explained it's better if money is attached but the condition works. R. Nalette noted the Commission can require monitoring as long as it's a condition. R. Haburey asked about requiring submission of the reports in December. S. Eisenlohr explained stabilization has to be done in September/October so that it's stabilized by December. Vice-Chairman Waring asked if inspections should be done in a rainier month. J. Rollins said it shouldn't matter as long as it's not covered with snow; felt condition #18 doesn't address the concern that after the site is stabilized no one will be checking the catch basins, etc. S. Eisenlohr explained before an erosion & sedimentation control bond is released, he makes sure it is thickly planted; the problem is after the bond is released. Mr. Dismukes suggested an inspection sheet. Vice-Chairman Waring said modify it for the current year and every year thereafter. S. Molinelli asked who is responsible for the catch basin. Mr. Dismukes said the applicant is. S. Molinelli suggested making that part of the stormwater quality management report form. R. Nalette asked about the expected time for construction. Mr. Dismukes said he would like it to be by the end of summer – using a pre-engineered steel building – and be done by next spring; requested the December due date be April due to spring clean-up. J. Rollins felt that would be no problem. R. Haburey suggested May might be better. Consensus is report will be due May 15th each year. R. Nalette verified J. Rollins was satisfied with the siltation and the pipe issue. **Motion** by R. Nalette **to *approve* Application #IW10-01, 120 Colebrook River Road, proposal to construct a 30,000 s.f. industrial building with parking lots, driveway, application of PCNK, LLC, Map 012, Block 150, Lot 048E, Zone IA-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 Bond of $1,000.00 be submitted to the Inland Wetland Office before construction begins. (For wall construction only).

14. **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. Returning cash bond if site is stabilized per Inland Wetland Agent.**
15. **Straw is to be used for stabilization or mulching of site instead of hay bales.**
16. **Stumps are not to be buried on site and are to be legally disposed of off site.**
17. **Owners and contractors will be making daily site inspections during the upcoming rains and will monitor whether 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.**
18. **An annual reporting form stating all the existing soil and erosion controls and storm water controls per maintenance plan by Colby Engineers are being maintained and properly functioning, This reporting form is to be submitted to Inland Wetland Commission by May 15th, 2010 for the current year and every year there after There shall be no grading, clearing, landscaping, excavation or deposition of materials beyond the proposed construction area as depicted on the approved plans without further approval by the Commission.**

Second by J. Rollins. *Discussion:* S. Molinelli verified the bond amounts. R. Haburey verified the application is now with the Army Corp. Mr. Dismukes said DEP has already reviewed it but still has to go to Planning & Zoning. J. Rollins asked how invasive plants will be kept from being carried off property. Brief discussion followed regarding keeping material on-site or removing to landfill. Vote: all in favor except S. Molinelli & C. Kiely (abstained) - **motion carried.**

B. **Application #IW10-02, 224 East Lake Street,** proposal to re-apply for an approval of a dock, application of Kevin Gatti, Map 109, Block 124A, Lot 024, Zone HLD. Vice-Chairman Waring verified everyone got the new drawing, measurements, etc. as requested last month. J. Rollins verified there are 14 steps down. S. Molinelli verified the difference in the addresses. Vice-Chairman Waring felt the new document has everything; noted the boatlift is against the shore. Mr. Gatti said it's actually approximately 6' from shore. S. Molinelli verified this is 27' from the property line. **Motion** by J. Rollins **to *approve* Application #IW10-02, 224 East Lake Street, proposal to re-apply for an approval of a dock, application of Kevin Gatti, Map 109, Block 124A, Lot 024, Zone HLD. The authorized activity is based on oral and written testimony and is subject to standard conditions #1 – 12 and the following additional condition:**

13. **The plan as modified complies with Ordinance Sec. 162 and the applicant will conform to all other outstanding items in Section 162.**

Second by R. Nalette. *Discussion:* discussion followed regarding which address to use. Consensus is use map, block & lot number which coincides with the street address of #220. Vote: all in favor except S. Molinelli & C. Kiely (abstained) - **motion carried.**

Item 6. **New Business**

A. **Application #IW10-04**
Applicant: Rusty Owens
Location: 109 West Wakefield Boulevard
Map: 109, Blk: 122, Lot(s) 4A-4, Zone: HLD
Proposal: Place jetski lift in Lake within our existing property & construct 30' long X 6' wide dock to access lift.
Mr. Owens distributed additional information on docks. Vice-Chairman Waring verified a 3rd dock is allowed per the regulations. S. Eisenlohr said he doesn't know the answer. Vice-Chairman Waring asked the intent of the dock; noted the ordinance allows 3' wide accessway to a boatlift but unsure of the number of structures allowed. S. Molinelli said it would be included in the coverage. Vice-Chairman Waring noted 320 s.f. is allowed; asked the length of the 2 docks. S. Eisenlohr explained he discussed this with the applicant; decks are not completed as shown. Mr. Owens said the linear drawing is exactly as they exist now. R. Haburey asked why he didn't put the jetski lift on the 6' dock. Extensive discussion followed regarding the shared ownership of the waterfront property, who has usage of which docks, location, number of vessels on the property and wording of the ordinance.

Vice-Chairman Waring said it would be no matter as this is a special circumstance. B. O'Heron asked if grandfathering may be taken into consideration. Vice-Chairman Waring noted not going after current stuff. R. Haburey referenced the Gatti application addressed earlier tonight. S. Eisenlohr said activity would have to comply with the current ordinance. Brief discussion followed regarding renting property versus owning property. Mr. Owens noted there is plenty of distance between the docks. R. Nalette said there is ample lakefront but it's the number of vessels; the prior approval was given in 1989; the issue is the regulation doesn't address 3 docks. Vice-Chairman Waring said it does consider the overall square footage; the existing already exceeds that so the addition adds more to that along with the number of vessels allowed. S. Molinelli said a 2nd dock is allowed at ½ of the 320 s.f. Vice-Chairman Waring said the 2nd dock can be 160 s.f.; feel the 3rd dock should be a 3' walkway (90 s.f.); verified the jetski lift is 30' out. Mr. Owens said 30' was safe but 20' could be okay. Vice-Chairman Waring said the dock cannot go beyond the end of the lift. S. Molinelli verified the walkway is access for the jetski lift. Mr. Owens noted the rocks could be an issue in that area. Brief discussion followed regarding a 3' walkway. C. Kiely said a 4' walkway is a safer dock/walkway & provides handicap access. S. Molinelli added 4' is the standard width. **Motion** by R. Nalette **to *accept* Application #IW10-04, 109 West Wakefield Boulevard, proposal to place jetski lift in Lake within existing property & construct 30' long X 6' wide dock to access lift, application of Rusty Owens, Map 109, Block 122, Lot 4A-4, Zone HLD.** Second by J. Rollins. *Discussion:* J. Rollins verified allowing a walkway instead of a dock. S. Molinelli felt it is far sounder to allow a 4' pre-constructed dock to be placed as opposed to building something there. Mr. Owens noted the header plans are in the packet as well. Vote: all in favor – **motion carried unanimous.**

Commissioner Jim Rollins left the meeting.

B. **Application #IW10-05**
Applicant: Brian Zadrozny
Location: 212 East Wakefield Boulevard
Map: 114, Blk: 105B, Lots 146-148, Zone: HLD
Proposal: Repair existing dock.
Mr. Zadrozny explained the dock is pretty banged up; just purchased the property over the winter; dock was left in by previous owner; tried to shift it; need to repair it and make it wider. Vice-Chairman Waring verified the desired size, that the 10' X 10' is a floater and that the boatlift will be replaced. Mr. Zadrozny said the whole thing would shift over 2½'. B. O'Heron asked if water is shallow there. Mr. Zadrozny said it's 6' deep at the end but at 40', there is a concrete barrel. S. Molinelli verified the existing dock is 49'; asked if it's a new dock or repairing the existing dock. Discussion followed regarding the swimfloat being attached to the end of the dock, the walkway being stable but the swimfloat would be floating, repairing the dock versus new and complying with the ordinance. R. Nalette noted the current dock configuration is non-conforming but grandfathered; if you replace the dock, you have to conform to the regulations but if you repair the dock, you can keep everything. Mr. Zadrozny asked if he could yank the barrel out. Vice-Chairman Waring asked how he would get it out. Mr. Zadrozny said he would have to wait for a drawdown. Discussion followed regarding repairing the dock or pulling it back 9' toward shore and pulling the concrete out, the location of the barrel and if the 10' X 10' float would cover the barrel. C. Kiely asked if the dock is attached to land. Mr. Zadrozny said with a chunk of concrete. Vice-Chairman Waring suggested moving it. Mr. Zadrozny said it might make it worse. S. Molinelli said relocating the dock all the way to one side would give you more swim area. S. Eisenlohr suggested the Commission accept it and then the applicant can think about his options for the next month and if he wants to withdraw, allow him to get a refund. **Motion** by C. Kiely **to *accept* 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 B. O'Heron. Vote: all in favor – **motion carried unanimous.**

Item 7. **Other Business**

A. **Application #IW02-30**
Applicant: The Ridge at Winchester

Location: Wallens Street/Wallens Hill Road
Map: 18 23, Blk: 150, Lots 19, 19A, 19-1 & 20, Zone: RU-2
Proposal: Permit Extension for 105-lot subdivision
Attorney William Hagan, representing 1st Connecticut Capital Mortgage Fund D Limited Partnership, distributed a letter of intention. S. Molinelli asked what the protocol is for "other business" on the agenda. S. Eisenlohr explained the Commission is not limited to time constraints right away. Attorney Hagan explained the history of the original application, changes/recommendations made by various agencies; noted the permit was extended to 2/2010; property was foreclosed on in 2008; requesting an extension of that same permit with the allowable 10 years from date of issuance (7/15/2013) and requested that the extension and application run in favor of his client. B. O'Heron said the Commission had four (4) questions last month regarding if there were any design changes, if the bond money is still in place, has the Town Attorney said this is reasonable and another question. Attorney Hagan confirmed there were no design changes. S. Eisenlohr said $30,000 or $35,000 bond money is in place. Attorney Hagan noted the original extension was granted to 2/16/2010; this current request was made before its expiration. Vice-Chairman Waring felt the biggest concern was the scope of the project and if the bond was still in place; the Commission has set a precedent but when extensions are reasonable we've granted them the 10 years from the original date; the plan hasn't changed; felt there is no problem as long as everything is verified. S. Eisenlohr noted the Commission can approve this at their discretion. B. O'Heron said last month he had questioned the 2005 extension. Discussion followed regarding the dates of approval, modification, when the extensions were granted, lesser impact from modifications and permit being good through 2013. R. Nalette said he wanted the Town Attorney to follow which regulations this application needed to follow but no longer need to know since it was approved and extended under the previous regulations; verified Scott checked the catch basins. S. Eisenlohr said he went up there earlier in the evening; all the stock piles are thickly vegetated; original owners were diligent about erosion & sedimentation controls; catch basins do have material in them but it is 12" – 15" below the pipe; roads & silt fences are in bad shape but the current owner will address it; several catch basins need to be addressed as well. R. Nalette expressed concern regarding the back wall of the large detention basin; felt it appears to be completely on top of the wetlands. S. Eisenlohr said it is thickly vegetated and there is a lot of sediment; the wetlands is recreating itself; DEP & Army Corp wanted to pull the detention basins out of the wetlands; inspections were done there but will verify the detention basin is in the correct location. S. Molinelli verified the transfer of property is a matter of record and that the Commission can grant the extension to new owners; asked if work is not completed by 2013, can they be given another extension. S. Eisenlohr said the state limits the extension to 10 years total. Attorney Hagan said he hopes that will be moot. C. Kiely asked if 3 years will be long enough. Attorney Hagan said if the Commission approves this, the clock is ticking and the work can be done – it is feasible. Brief discussion regarding the legality of extending beyond 10 years and what should be done within that time. B. O'Heron asked if this can be granted tonight. R. Haburey asked if the original plan was in phases. S. Eisenlohr said he believes it was in phases. R. Haburey verified the Commission cannot extend beyond 2013; noted the Commission may have to extend if there is phases. S. Eisenlohr said they may re-phase the project to address the wetlands on time. Discussion followed regarding re-starting the process and getting a verbal approval tonight. **Motion** by B. O'Heron **to *approve* the permit extension to 7/15/2013 and transfer of name to 1st Connecticut Capital Mortgage Fund D Limited Partnership for #IW02-30, The Ridge at Winchester, Wallens Street/Wallens Hill Road, Map 18 23, Block 150, Lots 19, 19A, 19-1 & 20, Zone RU-2.** Second by R. Nalette. *Discussion:* R. Nalette noted he read somewhere the permit is not transferrable. Attorney Hagan said the original permit had wording toward that; that's why he's asking the Commission to approve it. Vote: all in favor – **motion carried unanimous.**

Item 6. **New Business (continued)**

C. **Application #IW07-44**
Applicant: Robert Raboin
Location: 204 Perch Rock Trail
Map: 114 , Blk: 105A, Lot 003 , Zone: HLD

Proposal: Modification of existing permit #07-44 to replace the existing dock & remove the original support.
Vice-Chairman Waring noted the original proposal was to replace an existing dock. Mr. Raboin explained the damage done by the ice so need to replace the existing dock; new system will be sitting on floor of Lake; will be aluminum instead of wood; the original dock was 208 s.f. and new system will be 205 s.f. Vice-Chairman Waring asked what the original application was for. Mr. Raboin said a new seawall and block patio. Vice-Chairman Waring verified the dock was attached to the wall and the new dock will be in the same location; asked if the concrete block needs to come out. Mr. Raboin said he will do it during a drawdown; it won't need to be a deep drawdown. R. Haburey asked how far out the block is. Mr. Raboin said the ice moved it 25' out from the property. Vice-Chairman asked how he will remove it. Mr. Raboin said jackhammer and take it out in pieces; don't know how far down it does as it broke off from its original location. R. Haburey asked how big the piece is that got moved. Mr. Raboin said 4' X 4' or so. Vice-Chairman Waring verified the Commission can modify the permit to add the dock. R. Haburey noted the dock will be 4' wide instead of 3'. Mr. Raboin said he's using a pre-made dock. Vice-Chairman Waring noted this will bring the dock back into the regulations. S. Molinelli verified this will be in the same location and the location is conforming.
Motion by R. Nalette to ***approve*** **the modification of the existing permit to replace the existing dock and remove the original support, application of Robert Raboin, 204 Perch Rock Trail, Map 114, Block 105A, Lot 003, 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 $1,000.00 be submitted to the Inland Wetland Office before construction begins.**
14. **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:* S. Eisenlohr added the condition of "**The plan as modified complies with Ordinance Sec. 162 and the applicant will conform to all other outstanding items in Section 162".** R. Haburey asked how pieces will be removed. R. Nalette said it doesn't matter as long as he meets the regulations. S. Eisenlohr added the condition of "**applicant will call the wetlands agent before work starts".** Vote: all in favor – **motion carried unanimous.**

Item 8. **Agent Determinations** - none

Item 9. **Warnings** – none

Item 10. **Violations** – none

Item 11. **Communications & Bills**

a. Chairman's report: Chairman O'Meara not present; asked Vice-Chairman Waring to read his letter of resignation into the record. Vice-Chairman Waring suggested a thank you letter be ready for next month and then be sent once everyone signs it; reminded Commissioners next month is election of officers; asked that it be on the agenda.
b. Clerk's hours: **Motion** by R. Nalette **to pay 2.25 hours to the clerk for the minutes of 3/17/10.** Second by B. O'Heron. Vote: all in favor – **motion carried unanimous.**
c. Ric Nalette – Salt-Calcium at Highland Lake: R. Nalette explained he requested more information on protocol; haven't met with HLWA but have forwarded them all the information he has; please leave on the agenda.
d. 322 West Wakefield Boulevard erosion problem: S. Eisenlohr said there is a letter in the packet; after inspecting the erosion control measures, he directed Mr. D'Angelo to address it; noted nothing is overflowing; Mr. D'Angelo will have it done this weekend. Vice-Chairman Waring asked Scott to follow up on Monday. R. Nalette noted this applicant has been habitually difficult in delaying; asked why no cease and desist was issued. S. Eisenlohr explained some of the work was done but not completed; did put the burden on Mr. D'Angelo which is why Mr. D'Angelo sent the letter. C. Kiely verified still have $2,500 bond. S. Eisenlohr said there is no sediment build up in the adjacent catchbasin.

e. Ridge at Winchester - Wallens Hill Road erosion problem: addressed earlier – *please remove from agenda*
f. Northwest Conservation District Plant Earth Day Sale – this weekend
g. Planning and Zoning Minutes from 4/12/10 - not in packets
h. Letter reappointing Ric Nalette to the Inland Wetlands & Watercourses Commission

Item 12. **Adjournment**
Motion by R. Nalette **to adjourn at 9:05 p.m.** Second by B. O'Heron. Vote: all in favor – **motion carried unanimous.**

Minutes respectfully submitted,

Laurie Bessette
Minutes Secretary

WWC 4/21/10

p/s reapp Steve

Call to order 703p

App 3/17/10 Ric Jim

Steve Chris Kabst

Agenda review

Scott ice @ dock - submit modification for dock replacement @ pirch rock trail

Jim Rollins left mtg 7:55p

A Chairman not present but Chris W said Jim asked him to read resignation & commission

Chris W suggested a TY letter be sent; Ric will do & have ready for May mtg

Chris W next month - election of officers on agenda

B motion to appv Ric Brian - unanimous

C Ric requested more info on protocol, haven't put w/ HLWA but have forwarded them all info

pls lve on agenda

D Dangelo - Scott said letter in file - no silt fence added more stone - nothing is over flowing - will have it done this weekend

Chris W asked Scott to follow up on Monday

Ric - this applicant has been habitually difficult in delaying - why was no c&d issued

Scott work was done but not completed; did put the burden on him which is why he sent letter

Chris K verified still have $2,500 bond

Scott - no sediment build up

E addressed earlier - remove ← agenda

F this weekend

G - not in packets

- Ric Nolette was reappt to IWC

Ric

BVG 905