



TOWN OF WINCHESTER – CITY OF WINSTED

Town Hall – 338 Main Street  
WINSTED, CONNECTICUT 06098

FILED  
CLERK'S OFFICE

*xc*  
MAR 23 2010

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

*Minutes of the Regular Meeting  
Inland Wetlands and Watercourses Commission  
March 17, 2010*

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

Item 3. **Approval of Minutes**

Motion by J. Rollins to *approve* the minutes of February 17, 2010. Second by R. Nalette. *Discussion:* C. Waring noted under new business, Item A should be Penny Sharp instead of Penny Sharpton. **Vote:** All in favor except T. O'Meara, R. Haburey & J. Reinert (abstained) – **motion carried.**

Item 4. **Agenda Review – no changes**

Item 5. **Old Business – moved to after #6A**

Item 6. **New Business**

A. **Application #IW10-03**

Applicant: Kevin Gatti

Location: 224 East Lake Street

Map: 109, Blk: 124, Lot(s) 024, Zone: HLD

**Proposal: Re-applying for an approval of dock**

Mr. Gatti reviewed his proposal originally approved in 2002. S. Eisenlohr noted the map in the packet is what was approved. C. Waring verified this is 2 parcels. Mr. Gatti said it's 1 parcel; proceeded to explain the location. Chairman O'Meara noted there is not enough frontage for 2 docks if it is one parcel. S. Eisenlohr explained the approved structures were never installed. R. Haburey questioned the address. Mr. Gatti said the actual property address is 220. R. Nalette verified all the property is on 1 deed. C. Waring asked if structures exist now. Mr. Gatti said nothing is in now and he checked with the owner that nothing was put in. C. Waring explained as per the plan presented, the walkway counts as dock; can't have the 2 on the same property; can have the swim float but not the walkway.

Chairman O'Meara said the boatlift counts toward total square footage if you have a walkway going out to it. Mr. Gatti said he wants the boatlift & the 3' X 10' dock. Brief discussion followed regarding what is and isn't wanted. Mr. Gatti verified he can have the dock but the 10' X 10' has to be separate; only wants the boatlift, docks & 10' X 10' float on the end. C. Waring verified the dock going out is 4' X 30'. R. Nalette verified the boatlift is at Stairway 1. Mr. Gatti said everything will be at Stairway 3. R. Nalette verified the littoral boundaries. Chairman O'Meara verified nothing will be at Stairway 1 or 2. S. Eisenlohr verified will submit another plan for April's meeting. **Motion to accept**

**Application #IW10-03, application of Kevin Gatti, 224 East Lake Street, re-applying for an approval of dock, Map 109, Block 124, Lot 024, Zone HLD. Second by J. Rollins. Vote: all in favor – motion carried unanimously.**

*Chairman O'Meara verified no one is present for FL Roberts (Item 6B)*

**Motion by R. Nalette to open the public hearing. Second by C. Waring. Vote: All in favor – motion carried unanimously.**

Item 5. **Old Business – PUBLIC HEARING**

**A. Application #IW10-01 (Open Public Hearing)**

Applicant: PCNK, LLC

Location: 120 Colebrook River Road

Map: 012, Blk: 150, Lot(s) 048E, Zone: IA-1

**Proposal: Construct a 30,000 s.f. industrial building with parking lots, driveway.**

Jason Dismukes, representing the applicant, explained the property is located at 120 Colebrook River Road; explained after presenting his original proposal to the Town, met with DEP; distributed additional correspondence from them resulting in the changes being presented tonight pertaining to compensatory storage, water quality treatment and retention. J. Rollins asked if changes should be discussed without discussing the original plan since this is a public hearing. S. Eisenlohr said good point. Mr. Dismukes proceeded to explained the original proposal; noted he asked the DEP to respond to the proposal; reviewed Item #2 on his hand-out of changes; noted the overall response from the DEP was that the notes Mr. Dismukes took of their discussion was correct; reviewed item #3 of his hand-out pertaining to compensatory storage. Chairman O'Meara verified the existing wetland is intact. Mr. Dismukes explained the whole sightline was done to accommodate tractor trailers. Brief discussion followed regarding curb cut, parking and 100-year storm elevation. S. Eisenlohr distributed the written opinion from Colby Engineering (Mr. Colby present) dated 3/16/10. Commission took a few minutes to read it. B. O'Heron verified Colby, Dismukes, Penny Sharp and DEP are all in agreement. Mr. Dismukes said all agree but have more information from DEP. B. O'Heron verified all 4 agencies have to review the new information. Mr. Dismukes said no; proceeded to distribute his response to Mr. Colby's suggestions. C. Waring verified Colby's recommendations are included with the plans. Mr. Dismukes said not yet; will submit new plans as required/needed; said the information from the DEP was given after their review of the original proposal; noted velocities of stormwater was a concern; demonstrated velocities are very low even during 100-year storm; said the DEP concurred "plan seems consistent with 2004 Stormwater Manual" (distributed additional correspondence); Penny Sharp, Colby & DEP all agree; also did planting plan for basins and the wetland mitigation area. Chairman O'Meara asked if Penny Sharp mentioned mitigation for invasives. Mr. Dismukes said taking material out would benefit taking out invasives. J. Rollins reviewed the removal of invasive plants plan. Discussion followed regarding water quality basin design, maintenance and conditioning that. R. Haburey asked about roof run-off. Mr. Dismukes said it is very flat. R. Haburey asked how he came to the conclusion of 1". Mr. Dismukes said just taking the first 1" of rainfall per the stormwater manual. R. Haburey asked the location of the collection tube. Mr. Dismukes explained the location of the tubes and the reasons for the pitch. R. Haburey verified the basins collect rainwater. Mr. Dismukes proceeded to note the locations and duties of the catch basins. R. Nalette asked how water will be prevented in the loading dock area. Mr. Dismukes said he is calling for an apron crown similar to the driveway; the only water collecting is what will be falling; excess water will go through the separator. B. O'Heron verified Colby & DEP reviewed all the issues being raised by Commissioners. Mr. Colby said this is a feasible way to develop this property without harming the environment.

Chairman O'Meara called for public comment. There was none. Mr. Dismukes proceeded to review the changes behind the existing building; noted it addresses compensatory storage; said the open swale created a potential for erosion; put the pipe so it goes toward the compensatory storage. Chairman O'Meara asked the size of the pipe. Mr. Dismukes said 30". J. Rollins asked if it becomes less effective over time. Mr. Dismukes said it shouldn't; only when there are high flows. J. Rollins noted the dirtier, siltier water will settle. Mr. Dismukes said that happens now on-site and is naturally-occurring anyway; if the pipe gets silted in, there is some stewardship. J. Rollins asked if there is a maintenance plan. Mr. Dismukes said not right now. S. Eisenlohr verified the location being discussed. Mr. Dismukes said Compensatory Storage Area #3; proceeded to review the erosion control plan showing phases of construction; noted compensatory storage is not reflected on plans; said changes will be reflected in the new plans. J. Rollins asked the timeframe from the road cut to stabilization. Mr. Dismukes said it is weather-dependent but shouldn't take longer than 6 months but depends on how much they have to stabilize; getting the foundation and driveway then stabilizing the

site is fairly easy; driveway and embankment on the downhill side is big. Discussion followed regarding sediment trap construction/function/elements. J. Rollins asked the velocity into the compensatory storage. Mr. Dismukes said it's arguable; it will be an armored swale. J. Rollins asked about wetlands mitigation. Mr. Dismukes said the goal is compensatory storage; explained the details and said he reviewed this with the DEP; after this, will be going formally to the DEP and Army Corp. Chairman O'Meara asked if the flat area will collect water. Mr. Dismukes said no; may require some depression but can't count it toward compensatory storage; want to create a new wetland area to offset the disturbance. Chairman O'Meara questioned the 30" pipe. Mr. Dismukes explained a certain elevation is needed for drainage; it's very close to the bottom now; better to create a hole and allow a stable bank. Mr. Colby added if you don't do that, the river would open that up. Chairman O'Meara said he feels the maintenance plan is lacking. J. Rollins added often get good designs that get forgotten about. R. Nalette asked if the public hearing should be held open or accept the plan. Discussion followed regarding allowing the maintenance plan as a condition. B. O'Heron asked if the Commission asks everyone for a maintenance plan. J. Rollins said we should. Chairman O'Meara said it's been required in the past. J. Rollins suggested leaving it up to Colby to work out the simplest, effective maintenance plan, figure out the schedule and implement it. Chairman O'Meara verified there is no public comment. **Motion by C. Waring to close the public hearing.** Second by R. Nalette. **Vote: all in favor – motion carried unanimous.** S. Eisenlohr reviewed the outstanding issues of the 3-year invasive plan (Commission referred to Penny Sharp's plan), Weir maintenance and Compensatory Storage Area #3. J. Rollins noted the Commission received a lot of information tonight; wanted to be able to address any issues for next month. B. O'Heron asked if all 4 parties should agree and have the maintenance plan for next month, can this be approved. **Motion by C. Waring to table Application #IW10-01, application of PCNK, LLC, 120 Colebrook River Road, proposal to construct a 30,000 s.f. industrial building with parking lots, driveway to next month.** Second by R. Nalette. *Discussion:* tabling the application to make clear that there was no vote this month. **Vote: all in favor – motion carried unanimous.**

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

**B. Application #IW04-27**

Applicant: F.L. Roberts & Company

Location: 60 South Main Street

Map: 109, Blk: 122, Lot(s) 002D, Zone:

**Proposal: Permit Extension**

C. Waring said this is fairly straight-forward. S. Eisenlohr explained the economy caused the delay; noted the conditions stand. R. Nalette verified the application is timely. Brief discussion regarding whether new rules apply. S. Eisenlohr noted there is no significant change to the plans. **Motion by J. Rollins to approve the permit extension for #IW04-27, F.L. Roberts, 60 South Main Street, Map 109, Block 122, Lot 002D.** Second by R. Nalette. **Vote: all in favor – motion carried unanimous.**

Item 7. **Other Business - none**

Item 8. **Agent Determinations**

**Application # IW10-02**

Applicant: Phillip Brown

Location: 428 East Wakefield Boulevard

Map: 032, Blk: 105, Lot(s) 077, Zone: HLD

**Proposal: Replace existing Deck and Addition of 340 s.f. of deck**

S. Eisenlohr explained there were only 4 – 6 piers; applicant had to go through Zoning Board of Appeals so the neighbors were notified. Chairman O'Meara asked if the deck is encroaching the water. S. Eisenlohr said the deck is facing the water. R. Nalette asked the height. S. Eisenlohr said 4' off the ground; noted it's a good-sized deck. B. O'Heron verified they followed all the rules. J. Rollins asked how far from the water. Chairman O'Meara said 36'. *Commission supported.*

Item 9. **Warnings – none**

*The Town of Winchester is an equal opportunity provider, employer and lender.*

Item 10. **Violations – none**

J. Rollins expressed concern with the D'Angelo property – the barriers are filled to capacity; had a mudslide; needs to be addressed right away. R. Haburey noted the sock in the catch basin has to be replaced also.

R. Nalette verified there is still bonding money for F.L. Roberts. S. Eisenlohr said he does not collect the \$3,000 bond until work starts – has not started the work yet.

Item 11. **Communications & Bills**

- a. **Chairman's report:** Chairman O'Meara said the E&S is all breached at the Norcross Road construction; asked what they are doing. S. Eisenlohr said it's a Town project; will address with the Town. Chairman O'Meara said it's a mess; mud is flowing underneath.

R. Nalette asked if there has been an official visit to St. Anne's/Highland Ridge; noted the road is being "under-banked"; explained the location; said water is cutting away the embankment severely and needs to be stabilized. J. Rollins asked its proximity to the wetland. R. Nalette explained the location/topography. S. Eisenlohr verified the damage wasn't done by quads. Discussion followed regarding the location and who would be able to get in there to fix it.

- b. **Clerk's hours: Motion by R. Nalette to pay 1.0 hours to the clerk for the minutes of 1/20/10.**  
Second by J. Rollins. Vote: all in favor – motion carried unanimous.

Discussion followed regarding the Ridge at Winchester. S. Eisenlohr said haven't heard from the applicant; pending contact by attorneys. Extensive discussion followed the location/condition of the catch basin in the development, communication or lack thereof from the DEP and attorneys for each party, need for a formal presentation, letter from the Town Attorney, site review, acceptability of letter from the applicant saying there are no changes to the plans, communication between the applicant's attorney and the Town Attorney and the applicant must do presentation for Planning & Zoning. S. Eisenlohr said the applicant sent a letter to the Commission requesting an extension; noted it should have been on the agenda but will be for April; will have Town Attorney opinion by then. Additional discussion followed regarding Planning & Zoning Commission and Inland Wetlands Commission activity; another 30 days will pass with no resolution to these issues waiting for Town Attorney opinion if the extension is allowable. J. Rollins noted it's important to remind the Town Attorney our regulations have changed since this was originally approved. B. O'Heron raised 3 significant issues addressing site review, letter from the applicant and clarification of the dates for approval; verified there is bond money in place. S. Eisenlohr said he thinks there is still \$35,000 in place. C. Waring said the Commission needs the 4 items done for next month so can move ahead next month.

S. Eisenlohr distributed pictures of the "bog" at Resha Beach on Highland Lake; explained he authorized the Recreation Department employees to remove material with Public Works. Richard Labich, in the audience, said he has volunteers lined up also. *Commission supported.*

- c. Inland Wetland Minutes from 1-20-10 & 2-8-10.
- d. Planning and Zoning Minutes from 1-25-10
- e. **Ric Nalette – Salt/Calcium at Highland Lake:** R. Nalette explained salt & sand in the catch basins overflows into the lake, streams, etc. and impacts the wetlands; have done hours of research; distributed information from the states of Idaho and Montana on DOT practices. Extensive discussion followed regarding applications, chemicals, priorities, effects of sand going into the Lake. R. Nalette said Winsted needs to do something different; need to look at alternatives. B. O'Heron said he talked with Pat Hague on this issue; briefly reviewed his discussion; encouraged the Commission to talk with Pat as well. J. Rollins felt it would be good to learn about it. S. Eisenlohr noted still need to run the sweeper all the time; it's about maintenance. R. Haburey said a couple of catch basins are totally plugged. B. O'Heron said Public Works is up there all the time sweeping and cleaning the catch basins; noted the coves are still filling in; it's a complicated issue. **Motion by R. Nalette to form a sub-committee to study this issue.** Second by J. Rollins. *Discussion:* D. Labich noted Suckerbrook

Dam is broken; DEP already did study and is a shovel-ready project; noted a lot of sediment is from Suckerbrook Dam. Chairman O'Meara said Taylorbrook probably has the same issue. B. O'Heron added the dirt roads contribute as well; there are a lot of different problems. J. Rollins asked how many people should be on the committee. R. Nalette suggested representatives from HLWA, Public Works and IWWC. Further discussion took place. R. Nalette withdrew his motion. **Motion by R. Nalette to appoint a Commissioner to serve as liaison to the HWLA to consider the salt/sand issue around and in the Highland Lake watershed.** Second by J. Rollins. *Discussion:* R. Nalette will be the liaison. Vote: all in favor – **motion carried unanimous.**

f. Northwest Conservation District Earth Day Plant Sale

**Item 12. Adjournment**

**Motion by R. Nalette to adjourn at 9:15 p.m.** Second by C. Waring. Vote: all in favor – **motion carried unanimous.**

Minutes respectfully submitted,

  
Laurie Bessette  
Minutes Secretary



WWC 3/17/10

Call to order 7:05 p

appr Jim R  
Rec

Chris W - new buss #A  
Dutton penny sharp  
s/b Penny Sharp

appr of min?  
Chris Waring and mine

vote favor abs Tim for Bob

SA w/b later

6A then Tim verified no one from FL Roberts Present  
Ric not to open public hearing 7:17  
Chris Dred > unan

James Mikes letter sent out 2/28  
reproaching PCNA, project location in Colebrook  
River  
Public Hearing closed 8:18 moved on to 6D  
at 8:20 p

Table 10 - 01 PCNA to mit west  
Chris Dred > unan

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8A - Scotte only 4-6 piers - had to go thru  
ZBA so neighbors were notified - already done

Tom is deck encroaching water?

Scott deck is facing HD

Ric height?

Scott think 4' off ground; good sized deck

Brian verified follows all rules

Jim how far ← water  
36'

Scott concurred

Concur supported 8:31

Jim #9 - diagoals noted barriers are  
filled to capacity had mud slide  
needs to be done right away

Bob - sock has to be replaced in catch basin

Rick - verified still have bonding \$ for fl reports

Scott do not get \$ 3,000 until work starts -  
have not started

11A - Norcross Rd construct - Ed S is all breached what R they  
doing? Scott - Town project will address up town

Tom - it's a run-mud flowing under

Ric - any official visit to St Anne's / Highland Ridge?  
Scott no

Ric - roads being "mud backed" - Pratt St  
race track - HD cutting away embankment beyond

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needs to be stabilized;  
Jim above wetland  
Ric noted location/topography  
Scott verified damage wasn't done by quad  
Disc re: location & who to get to fix it.

Motion to pay Ric }  
Jim } Waum  
Disc re: Ridge @ Winchester  
Scott haven't heard from them; pending  
contact by attys.

Ric official visit to detention basin @  
Ridge? Expl location/condition  
on dirt road - far bank facing wetlands

Brian - letter - applicant did S&P get back?  
sense of urgency - make sure ewc isn't weak  
link - in parallel to other  
Scott said plans will not change but  
thought Commis wanted formal presentation  
Brian - wanted to get info - ie letter & Town Atty;  
site review of applicant & letter; s/b straight  
forward. S

Scott verified Commis w/b okay if got letter &  
applicant saying no changes

Jim - this chunk of time expired; they're atty want  
to contact our atty to make sure all is well; not  
w/holding it up

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## Disc followed

Bran said Comm wanted letter just

re: PZC wants presentation

Jim asked if they have applied to us

Scott they sent a letter requesting extension - if it have been on agenda - w/b on agenda for April if have Town atty opinion

Disc re: PZC activity & new activity & 30 days have passed w/no resolution to these issues waiting for Town atty opinion if extension is allowable

Jim next to remind Town atty regulations have changed since originally approved

Bran #2 site review need that done

#3 - need letter & applicant

#4 clarification of dated ~~from~~ ~~Att~~ for appl

#5 adequate bonding - Scott thinks there is \$35,000 bond in place

if had answers to #1, 2, 3 & bonding it becomes applicant's problem

Chris - need 4 items done for next month so can move ahead next month

Scott dist pics of bog @ Reshe Beach - authorized rec dept sees to remove material w/pub works ~~for~~

Dick Habick also has volunteers (meal) also Commss supported

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904  
Rec 411 E - salt/sand in catch basins over flows  
into lake, streams, etc ~~not~~ ~~also~~ impacts  
wetland; have done hrs of research  
distrib info from Idaho & Montana DOT  
practices

Disc re: applications, chemicals, <sup>nutrients</sup> effects of  
sand going into lake

Pic - Winsted needs to do something different;  
need to protect that asset - look @  
alternatives

Brian expl he talked w/ Pat Hogue expl disc  
encouraged commit to talk w/ Pat

Jim - it wld be good to learn about it

Scott - still need to run sweeps - all the time

Bob - couple of catch basins totally plugged in W lake

Scott - its about maintain

Brian - up there all the time w/ sweeps & change  
catch basins - therefore doing plenty - Pat Hogue  
can answer that but covers an opening in -  
complex issue

Motion to form sub committee to study  
~~all~~ this issue

Jim incl  
Dick Labadie noted Suckerbrook Dam is broken -  
DEP already did study - shore already  
alot of sediment is ← Suckerbrook Dam

Tom Jaylor brook is prob same issue

Brian dir + road contributers - alot of dirt problems



June how many ppl on commiss  
Lic - someone - HLWA

- PWorks

- YLWWE

Lic withdraw not

Lic Motion to app/ <sup>Lic Nal</sup> liaison to HLWA to consider  
salt sand around n/HL watershed

from Unamin

9:15 Lic

Tom Chis }>

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