



TOWN OF WINCHESTER – CITY OF WINSTED

Town Hall – 338 Main Street

WINSTED, CONNECTICUT 06098

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CLERK'S OFFICE

NOV 25 2009

SHERA S. SEDLACK
CLERK OF WINCHESTER
CONNECTICUT

*Minutes of the Regular Meeting
Inland Wetlands and Watercourses Commission
November 18, 2009*

The Inland Wetlands Commission met in the P. Francis Hicks Room. Call to order was made by Vice-Chairman Chris Waring at 7:04 p.m. The following members answered roll call: Vice-Chairman Chris Waring, Robert Haburey, Chris Kiely, Stephen Molinelli, Ric Nalette, Brian O'Heron, James Rollins, Jr., Jonathon Reinert and Scott Eisenlohr, Wetlands Agent. Tim O'Meara was absent excused.

Item 3. Approval of Minutes

Motion by J. Rollins to *approve the minutes of October 21, 2009*. Second by R. Nalette. *Discussion:* B. O'Heron noted the line before the motion on page 5 for item #5E should read "...weather will affect pyle driving...". All in favor except S. Molinelli & R. Haburey (abstained) – **motion carried**.

Item 4. Agenda Review

S. Eisenlohr added an extension for Rick Synnott, 756 Lake Drive, as item #7A (distributed earlier) and the 2010 Land Use Meeting Calendar as item #11I.

Item 5. Old Business

A. Application #IW09-20, 91 East Lake Street, proposal to rebuild seawall and patios, application of Susan Orkisz, Map 114, Block 124, Lot 10A, Zone HLD. Scot Leavitt, contractor, present representing the applicant (not present). S. Eisenlohr distributed a map earlier; noted most information is on the map. R. Haburey asked if the ramp will be paved. Vice-Chairman Waring verified will grade the wall to zero. S. Eisenlohr said there will be grass right to the water since sand is not allowed. R. Haburey asked the depth of the water. Mr. Leavitt said 3' deep. Brief discussion regarding preventing erosion and using sod. S. Molinelli asked if grass is safe for a handicap ramp. Mr. Leavitt said he can't say. J. Rollins noted that is what the applicant is requesting. S. Eisenlohr explained they took one set of stairs out and replaced it with the ramp. S. Molinelli noted the distance from the property line; verified the dock location and configuration will not change. R. Nalette asked about the sitting wall. R. Haburey asked about the buffers. Mr. Leavitt said 2½' and 2' around the fire ring. R. Nalette asked the height of the wall off the patio area. Mr. Leavitt said it's another sitting wall. R. Nalette asked the height of the seawall. Mr. Leavitt said they are rebuilding the original seawall so approximately 3'; just putting it on a more solid footing but same height. J. Rollins asked what the existing wall material is. Mr. Leavitt said rock. S. Eisenlohr verified the wall butts against and is the same height as the neighboring walls; reviewed recent conversations with the contractor. Mr. Leavitt noted the stairs come up to grade. R. Haburey expressed concern with erosion for the handicap ramp. Mr. Leavitt said once the sod roots, it should be okay but eventually natural vegetation will establish; can put a handrail, close the gap and place a step to prevent erosion. Discussion followed regarding possible options. S. Molinelli verified the property owner will be okay with the changes. S. Eisenlohr explained recent conversations with the property owner and the contractor. R. Nalette verified rebuilding the patios and seawall is part of this application. Mr. Leavitt explained the phases of work. R. Haburey asked if the area steps down. Mr. Leavitt said it slopes down. J. Rollins asked what will be done to ensure water infiltrates the patio. Mr. Leavitt said he is using sand with process underneath; would like to use polymer sand but Scott said no. R. Haburey asked how weeds will be removed due to the proximity to the Lake. Mr. Leavitt said will have to hand-pull them out. S. Eisenlohr verified the sand will be pervious. R. Nalette asked if there was an A2 survey. Mr. Leavitt said he worked off an A2 for these plans. Vice-Chairman Waring asked the start date. Mr. Leavitt said as soon as

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possible. Motion by R. Nalette to *approve* Application #IW09-20, 91 East Lake Street, proposal to rebuild seawall and patios, application of Susan Orkisz, Map 114, Block 124, Lot 10A, 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 Bond of \$1,000 be submitted to the Inland Wetland Office before construction begins.
14. A-2 survey is not required.
15. As-Built is not required.
16. No construction equipment allowed in the lakebed at any time.
17. Excavation for concrete to be completed in dry section of lakebed. Excavating in water not allowed.
18. Project to be completed during 6 foot drawdown of lake.
19. Complete DEP form before work begins or Inland Wetland approval will not be mailed.
20. No additional sand shall be added.
21. Use native plantings prior to installation. Inland Wetland Agent to review plan.
22. Excess material to be disposed off site.
23. 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:
 - a. Sign off and update dock authorization form.
 - b. Applicant to provide at least 3 photos of authorized work showing compliance.
 - c. Cash bond will be returned is site is stabilized per Inland Wetland Agent.
24. Step with handrail to be installed between access ramp and edge of water to prevent erosion.
25. Patio must be pervious.

Second by J. Rollins. *Discussion:* regarding the number of steps needed. Consensus is to leave it to the contractor's discretion. J. Rollins noted the need for condition #25 noting the patio must be pervious. Vote: all in favor – motion carried unanimous.

- B. Application #IW09-22, (after-the-fact), 622 East Wakefield Boulevard, proposal for addition of 26' X 15' paver stone patio on lawn along lakeside retaining wall, application of James Scott Fox, Map 038, Block 106, Lot 008, Zone HLD. Mr. Fox present. Vice-Chairman Waring reviewed the minutes of last month's meeting. J. Rollins said he went to the property and ran the water from the hose; virtually no infiltration; feels even stronger about the need for a buffer. S. Eisenlohr detailed the sand used. J. Rollins said this definitely slopes toward the water, it's not flat; said his position holds. Mr. Fox said he was supposed to sit down with Scott for ideas; his main issue was the health issue with the bees and aesthetically it's very nice; wanted to preserve the pattern. R. Haburey verified the patio is completed; noted there's a lot of grass around it; asked what's another 2'. Mr. Fox said she has to take her shoes off to get in the Lake and symmetry is an issue. B. O'Heron asked about planting bushes in front of the patio on the house side. Mr. Fox said he hadn't thought of that. R. Haburey noted the issue is water falling on the patio. Vice-Chairman Waring asked about the timeline for the application. S. Eisenlohr said the Commission has until next month. R. Nalette and B. O'Heron noted there is no additional information. J. Rollins explained the place the water chose to run right into the Lake was right where the Commission was allowing the patio to stay for access to the dock; now feel the strip should be across the whole frontage. S. Molinelli asked if the dock can be moved. Mr. Fox said no. R. Nalette said in regards to the after-the-fact issue, Tim O'Meara showed up halfway through and called Scott; neither told the applicant to stop but the patio was starting to be built, then stopped and then finished; when the Commission asked for more information, the applicant came up with nothing; felt unwilling to compromise as applicant didn't consider the Commissions comments. S. Eisenlohr reviewed the scenario. R. Haburey verified nothing was said about the buffer. B. O'Heron noted the Commission just approved an application using masonry sand. S. Eisenlohr said the difference is this has no grass buffer strip. S. Molinelli asked if it is reasonable that the applicant followed the directions Tim gave. S. Eisenlohr reviewed possible discussions between Tim and the applicant. S. Molinelli suggested a motion that the Commission table this so it hears something that might support the applicant's position. B. O'Heron noted Tim voted in favor twice last month. Vice-Chairman

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Waring said they don't want to set a precedent by allowing the work. S. Eisenlohr explained he tells people they have to pay the after-the-fact fee and the Commission may deny it. Vice-Chairman Waring said the Commission can table it, approve it all together, approve it with the vegetative buffer or completely decline where the applicant would have to remove it completely. S. Eisenlohr asked if this is something the Commission would never have approved or would have allowed with conditions. J. Rollins suggested a 2' stone buffer across the whole waterfront. R. Haburey asked where the water goes from there. J. Rollins said it will leech down. R. Haburey verified it won't run off. S. Molinelli verified this is a stone wall – no cement mortar – allows water through it. Discussion followed regarding the effect of a stone buffer on water. B. O'Heron reviewed the dimensions of the patio and suggested 5' for the applicant's wife to walk across. Vice-Chairman Waring said if a strip were put in, it would be from the patio to the dock. Mr. Fox said he would want to leave that pavers. Vice-Chairman Waring said you would have a 2' strip of grass in front of the dock and leave gravel across the front. R. Haburey felt Tim should have stopped the work. Mr. Fox explained his conversation with Tim. R. Haburey verified the applicant has no interest in grass. Mr. Fox said he likes the plantings behind it; said it will catch the water coming down from the lawn. Vice-Chairman Waring said there are pervious pavers; maybe put those in. Selectmen Renzullo suggested providing applicants with a list of acceptable materials. Vice-Chairman Waring felt the Commission should table this to allow the applicant to consider replacing with pervious patio pavers and also get Tim's point of view. B. O'Heron verified if the applicant found pervious pavers, the Commission would allow it. R. Nalette said it depends on the paver and its ability to cool the water but not if it's just concrete slabs that are supposed to be pervious; would like to see a strip. J. Rollins added wide enough to infiltrate. Vice-Chairman Waring said he would be happy with a pervious paver but need details. S. Eisenlohr said he will make sure to have a plan for next month. B. O'Heron suggested a gutter where the wall is. **Motion by C. Waring to table Application #IW09-22, 622 East Wakefield Boulevard.** Second by S. Molinelli. *Discussion:* S. Eisenlohr said he will check with NW Conservation. R. Nalette asked what information are we requesting. Vice-Chairman Waring said pervious paver options and any other – maybe 2 or 3; if Scott thinks they're good, bring them along. **Vote: all in favor – motion carried unanimous.**

- C. **Application #IW09-25, 752 Lake Drive**, proposal to remove four (4) concrete pillars from lake bed, application of Patrick Hussey, Map 044, Block 107, Lots 55 & 56, Zone HLD. Mr. Hussey present. R. Nalette reminded Commissioners this application was tabled as the applicant was out of the country. Vice-Chairman Waring briefly reviewed the history of this property. Mr. Hussey said he felt shearing off the pillars would work. S. Eisenlohr explained his conversation with the applicant; shearing off the pillars so they would be level with the lakebed and then placing the boatlift in the same location. B. O'Heron said have to be careful bolting them down due to ice. S. Eisenlohr said the applicant will take the boatlift out each year. R. Haburey asked the size of the pillars. Mr. Hussey said 2' X 2'. Vice-Chairman Waring noted in a 10' X 10' area. J. Rollins reviewed past activity for this property with the previous Commission. S. Eisenlohr asked what the distance is from the property lines. Mr. Hussey said 50' either way. S. Eisenlohr gave additional information. J. Rollins asked the distance out into the water. Mr. Hussey indicated on the plan. Brief discussion followed regarding amount of waterfront and deck/dock location/dimensions. R. Haburey asked the length of the dock/walkway. Mr. Hussey said 20'; noted it's beyond the boatlift. Brief discussion regarding activity with previous Commission. Scott was going to get the old file. **Motion by R. Nalette to table to allow Scott to retrieve the file and move onto next application.** Second by S. Molinelli. **Vote: all in favor – motion carried unanimous.**
- D. **Application #IW09-33, 613 West Wakefield Boulevard**, proposal to repair a portion of existing waterfront stone wall, application of Gerald Mackie, Map 38, Block 114, Lot 188, Zone HLD. Applicant not present. S. Eisenlohr reviewed the details of this application. Vice-Chairman Waring verified the information; noted no outstanding items or big questions; reviewed the activity. R. Haburey verified Scott looked at this. J. Rollins verified work is being done a section at a time. S. Eisenlohr noted the top of the wall leans toward the Lake. **Motion by R. Nalette to approve Application #IW09-33, 613 West Wakefield Boulevard, proposal to repair a portion of existing waterfront stone wall, application of Gerald Mackie, Map 38, Block 114, Lot 188,**

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 Bond of \$500.00 be submitted to the Inland Wetland Office before construction begins.

14. No construction equipment allowed in lakebed at any time.

15. Excavating in water not allowed.

16. Update dock registration before work begins and submit at least 3 photos.

17. Project to be completed during 6 foot/3 foot drawdown of lake.

18. No additional sand shall be added.

19. Excess material to be disposed off site.

Second by J. Rollins. Vote: all in favor except C. Waring, R. Haburey, S. Molinelli & J. Reinert (abstained) - motion carried.

E. Application #IW09-34, 672 East Wakefield Boulevard, proposal to reconstruct and existing deck and shed, application of Jeff Dutton, Map 038, Block 107, Lot 029, Zone HLD. Michael Hamm, representing, along with Jeff Dutton (who represents Mr. Colucci). Vice-Chairman Waring reviewed the information from last month. J. Rollins noted they are only squaring off the deck. R. Nalette verified the applicant has dock rights but does not own the docks. Mr. Hamm explained the arrangement. Motion by J. Rollins to *approve* Application #IW09-34, 672 East Wakefield Boulevard, proposal to reconstruct and existing deck and shed, application of Jeff Dutton, Map 038, Block 107, Lot 029, 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 Bond of \$500.00 be submitted to the Inland Wetland Office before construction begins.

14. No construction equipment allowed in the lakebed at any time.

15. Excavating in water not allowed.

16. Project to be completed during 6 foot drawdown of lake.

17. No additional sand shall be added.

18. Excess material to be disposed off site.

Second by R. Nalette. Vote: all in favor except C. Waring, R. Haburey & S. Molinelli (abstained) - motion carried.

Motion by R. Nalette to continue with Application 09-25. Second by J. Rollins. Vote: all in favor – motion carried unanimous.

Application #IW09-25, 752 Lake Drive, proposal to remove four (4) concrete pillars from lake bed, application of Patrick Hussey, Map 044, Block 107, Lots 55 & 56, Zone HLD (continued from earlier in the meeting). S. Eisenlohr returned and said he couldn't find the file; pretty sure the installation was the issue not the location. Mr. Hussey reviewed the permit process from the last deep drawdown. B. O'Heron said he felt it seems reasonable to do with consideration of the weather. Vice-Chairman Waring verified the applicant is proposing to cut off the piers. Mr. Hussey said he would rather have left them as is. J. Rollins asked if the Commission would have approved this if it had gone through the correct channels; felt 24" sonnatubes for a boatlift would probably not have been approved. Discussion followed regarding what was done, similar activities and another Lake property, allowing the piers to remain, impact of the ice and depth of water. R. Haburey verified can get to them now. Vice-Chairman Waring reiterated the need to cut them off at the Lake bottom. S. Molinelli asked if there was any flexibility. Brief discussion about when this can be done. C. Kiely asked how they will be cut. Mr. Hussey said he's not sure yet; may get a saw with a diamond blade. C. Kiely asked if it will create dust. Discussion followed regarding impact on the Lake and local companies that may offer this service. Motion by R. Nalette to *approve* Application #IW09-25, 752 Lake Drive, proposal to remove four (4) concrete pillars from lake bed, application of Patrick Hussey, Map 044, Block 107, Lots 55 & 56, 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 Bond of \$ 0.00 be submitted to the Inland Wetland Office before construction begins.

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14. No construction equipment allowed in the lake bed at any time.
 15. Excavating in water not allowed.
 16. Update dock registration before work begins and submit at least 3 photos.
 17. Project to be completed during 6 foot drawdown of lake.
 18. Complete DEP form before work begins or Inland Wetland approval will not be mailed.
 19. No additional sand shall be added.
 20. Excess material to be disposed off site.
 21. If the 4 concrete piers are not altered as proposed during this deep drawdown as requested per the pending violation, this violation will be returned to the Town Attorney for legal action including, if possible, listing the violation on the property land records.
- Second by J. Rollins. Vote: all in favor – motion carried unanimous.

F. Application #IW09-35, 410 East Wakefield Boulevard, proposal to rebuild existing boathouse foundation walls and, if approved for variance, extend the walls 4' to the rear and 3' to the side, application of Matt Closson, Map 32, Block 105, Lot 72, Zone HLD. Mr. Closson present. Vice-Chairman Waring verified the variance was approved; noted the big issue is the expansion of the boathouse to make it useable; noted the foundation will be done with the original stone. Mr. Closson explained it will be taken down and rebuilt with the original stone; noted will need to bring in additional stone. Vice-Chairman Waring said expanding in two (2) directions. R. Haburey asked the height of the wall. Mr. Closson said 5' at the highest point in the front and 3½' in back. Vice-Chairman Waring said there are not too many boathouses on the Lake. Mr. Closson said a handful. J. Rollins verified the stockpile location is in the grass area; noted it looks like there could be an intermittent watercourse in the direction the boathouse is proposed to be expanded toward; said that's the most damaged section/corner of the foundation; asked if there could be more going on. Mr. Closson said he's not aware of anything. J. Rollins verified there will be silt fence around the stockpile. S. Molinelli noted the property is level closer to the water. J. Rollins asked how the equipment will access the property. Mr. Closson said straight down from the house. Brief discussion regarding the retaining wall. S. Eisenlohr felt this was a significant activity and needs a public hearing. J. Rollins said the Commission covered that when the house application came up. S. Molinelli said only expanding into the property not toward the property line. Vice-Chairman Waring noted there is a letter from the neighbor in the file in favor of this. R. Nalette asked if an A2 or as-built is needed due to the change of size. Mr. Closson said he has to submit that for the variance anyway; can provide a copy for IWC. B. O'Heron verified the deep drawdown is necessary. R. Nalette asked the reason for condition #16. S. Eisenlohr said to make sure the pins are put back. Motion by R. Nalette to *approve* Application #IW09-35, 410 East Wakefield Boulevard, proposal to rebuild existing boathouse foundation walls and, if approved for variance, extend the walls 4' to the rear and 3' to the side, application of Matt Closson, Map 32, Block 105, Lot 72, 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 Bond of \$1,000.00 be submitted to the Inland Wetland Office before construction begins.
14. A-2 survey is required.
15. As-Built is required.
16. Verification in writing to the Inland Wetland Office that iron survey pins have not been altered after completion of the construction project. If altered, pins to be reset by a Licensed Professional Land Surveyor and provide the Inland Wetland office a letter verifying pins have been properly reinstalled at the applicants' expense.
17. No construction equipment allowed in the lake bed at any time.
18. Seawall, boathouse, associated drainage constructed during deep drawdown of lake. Timing of any other construction activities relating to the deep draw will be determined by the Inland Wetland Agent.
19. Existing boathouse restoration to be done when lake water has receded enough so contractors are not working in or retrieving debris out of the water. A dry lakebed is

- preferred. A floating boom will be required if work continues and water level high.
20. Excavation for concrete to be complete in dry section of lakebed. Excavating in water not allowed.
 21. Project to be completed during 6 foot drawdown of lake.
 22. No additional sand shall be added.
 23. Excess material to be disposed off site.
 24. 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:
 - a. Sign off and update dock authorization form.
 - b. Applicant to provide at least 3 photos of authorized work showing compliance.
 - c. Return cash bond if site is stabilized per Inland Wetland Agent.

Second by J. Rollins. *Discussion:* S. Molinelli said he would like which side is being expanded. R. Nalette noted it's shown on the map. S. Eisenlohr said will have A2 survey. Vote: all in favor except R. Haburey, C. Waring and S. Molinelli (abstained) – **motion carried.**

- G. Application #IW09-36, 380 East Wakefield Boulevard, proposal for boatlift, lake wall maintenance and buoy, application of Beth Ballentine, Map 032, Block 105, Lot 068A, Zone HLD. Applicant not present. Motion by R. Nalette to *table* to later in the meeting. Second by J. Rollins. Vote: all in favor – **motion carried unanimous.**

Item 6. New Business

A. Application #IW09-37

Applicant: Ronald Bilodeau

Location: 349 West Wakefield Boulevard

Map: 32, Blk: 119, Lots: 028A & B, Zone: HLD

Proposal: Enlarge Existing Dock to 320 s.f.

Vice-Chairman Waring verified this application was submitted on time and fees paid since that information is not listed on the application; verified this is for a dock expansion. Mr. Bilodeau said replacing with galvanized aluminum; will cantilever off a rock and pin it to that. S. Molinelli verified the applicant is the homeowner and contractor. Discussion followed regarding property lines, dock location, boat lift location and proximities. Vice-Chairman Waring verified the boatlift won't move when the dock is expanded; going to want to see at least 10' between. Motion by R. Nalette to *accept* Application #IW09-37, 349 West Wakefield Boulevard, proposal to enlarge existing dock to 320 s.f., application of Ronald Bilodeau, Map 32, Block 119, Lots 028A & B, Zone HLD. Second by J. Rollins. *Discussion:* J. Rollins noted the boatlift is not shown on the sketch; need detail of stuff in there. B. O'Heron asked the depth of the water there. Mr. Bilodeau said approximately 8' at the end of the dock. Brief discussion regarding the need for a more detailed sketch showing dimensions, littorals, structures, etc. Vote: all in favor – **motion carried unanimous.**

B. Application #IW03-20 (Modification/Extension)

Applicant: Goulet Masonry/Steve Valigorsky

Location: 205 West Wakefield Boulevard

Map: 113, Blk: 120, Lots: 3, 4 & 5D, Zone: HLD

Proposal: Modification to Application 03-20; build new stone retaining wall approximately 6' back from existing sea wall.

S. Eisenlohr explained the situation with this application; noted the only difference in the recent application is it did not have the extension on it; this application has already been modified but would like a 5-year extension. J. Rollins asked if all the work is done. S. Eisenlohr explained the applicant is going back to Planning & Zoning for a 2nd floor so may do more work. Motion by J. Rollins to *approve* Application #IW03-20, 205 West Wakefield Boulevard, Modification to Application 03-20; build new stone retaining wall approximately 6' back from existing sea wall, application of Goulet Masonry/Steve Valigorsky, Map 113, Block 120, Lots 3, 4 & 5D, Zone HLD. Second by J. Reinert. Vote: all in favor – **motion carried unanimous.** Extensive discussion regarding allowing extensions and the circumstances when it's suitable.

C. Application #IW09-??

Applicant: Colplex North, LLC

Owner: Plaatsdale Realty, LLC

Location: 147 Torrington Road

Map: ??, Blk: ???, Lot ??, Zone: ??

Proposal: Expand parking, planting plan & site improvements

Todd Parsons of Lenard Engineering present along with Thomas Petros, soil scientist, representing the applicant. Vice-Chairman Waring asked if there is an application for this. S. Eisenlohr said submitting it now. Mr. Parsons distributed packets. Mr. Parsons explained the packet includes the application, a 3½ page description, soil report, drainage report and site plans; asked Commissioners to read the description before looking at the plans; proceeded to explain location of activity and proposal; noted there are seven (7) acres in the IB-1 zone; gave brief history of property; the original soil scientist report noted the wetlands were manmade but never delineated the line; in 2001, approval was received for the Sports Domain, associated structures and parking areas; the new owners would like to expand the parking, do drainage improvements, etc.

Thomas Petros, professional soil scientist, inspected the property on 10/30/09 and noted his findings in his report dated 11/10/09; proceeded to explain the area of soil disturbances; indicated wetlands delineation; explained the procedures he used to make those determinations/findings; previous delineation was done by Stanton in 1996; reviewed the findings of that report; showed a 50-year old soil map and noted it is similar to current conditions.

B. O'Heron asked if there is a problem or no problem here. Mr. Parsons verified the areas of activity and the reasons for the violation that was issued. J. Rollins verified the upland review area is indicated on the map. Mr. Parsons noted the areas where trees were removed (stumps remain) and the regulated area that was cleared (no surface disturbance). J. Rollins verified clear cut. Mr. Parsons explained approximately 2,100 s.f. of non-regulated area was cleared, the wetlands soil area that was re-graded, approximately 26,000 s.f. of non-wetlands soil area was cleared and re-graded and approximately 22,000 s.f. outside the regulated area was cleared and re-graded; proposing to maintain the gravel surface parking area with gravel/crushed stone, installing trees and allowing controlled, dense vegetation, construct a new 39-space paved parking area close to the current grade, create a buffer and pull the discharge pipe creating a 4-bay and an apron to settle sediment out, plant a variety of vegetation, create zero net loss of flood storage; there will be a new paved access-way to the south side of the building - need access to the propane tank; very little of this is in the regulated area; would like to do 350 s.f. landscaping with pavers - no change in grade; construct new drainage on the north side of the building and bring around to the septic system for discharge beyond the driveway; will maintain the vegetation in that area; indicated the areas for a playscape, sidewalks, stone pathway; the erosion control plan was submitted indicating the location of silt fencing, noted some already exists; provided planting plan; explained they submitted 5 full-size prints and 5 half scale copies to save paper. R. Haburey asked if the original design was unfinished. Mr. Parsons explained it was built in two (2) phases; the majority of the work was done according to plan, then they had financial issues. R. Haburey verified parking was not part of the original plan. Mr. Parsons explained virtually everything in the non-regulated area was completed. S. Molinelli asked about the timeline for this application. S. Eisenlohr explained if accepted tonight, the timeline starts tonight; noted the after-the-fact fee is paid. Vice-Chairman Waring asked the application number. S. Eisenlohr said probably IW#09-38. B. O'Heron verified this will solve the violation. Mr. Parsons explained he looked at this as a water quality issue; noted the distances from the wetlands. Discussion followed regarding flood plain contours and grade adjustments, the existing depression and relief pipe, possible manmade wetlands. R. Haburey explained he grew up in that area and it has always been excavated. J. Rollins verified there are no wetlands soils around the pond; asked if wetlands can create themselves. Mr. Petros said around the lower side. Mr. Parsons explained possible wetlands characteristics. Mr. Petros noted other areas where they can develop. R. Nalette asked if approval is needed from Army Corp of Engineers. Mr. Parsons said he doesn't think so; is investigating it; added this was approved in

2001 as a special permit; have checked some DEP permits but they don't apply. Motion by R. Nalette to *accept* Application #IW09-38, 147 Torrington Road, proposal to expand parking, planting plan and site improvements, application of Colplex North, LLC/Owner: Plaatsdale Realty, LLC, Map 39, Block 158, Lot 54, 51, 51A & 21A, Zone IB-1. Second by J. Rollins. Vote: all in favor – motion carried unanimous.

Item 7. **Other Business**

A. **Rick Synnott, 756 Lake Drive, request for extension:** Vice-Chairman Waring reviewed the activity. Mr. Synnott present. S. Eisenlohr explained the applicant left messages saying he started work on his permit (approved in 2002); verified he was complying with original permit and only rebuilding from the foundation; explained his options; the applicant didn't realize his permit had expired. B. O'Heron verified work is exactly as approved in 2002. J. Rollins explained the Commission must approve the extension if the applicant had come in within 5 years of the approval which would essentially be 10 years; felt this is okay. Vice-Chairman Waring verified the five years would have expired in 2012. J. Rollins asked the depth of water there. Mr. Synnott said about 7'. Motion by B. O'Heron to *approve* Application #IW-547, Rick Synnott, 756 Lake Drive, request for extension to expire in 2012. Second by J. Rollins. Vote: all in favor except R. Nalette & S. Molinelli (abstained) – motion carried.

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

G. **Application #IW09-36, 380 East Wakefield Boulevard, proposal for boatlift, lake wall maintenance and buoy, application of Beth Ballentine, Map 032, Block 105, Lot 068A, Zone HLD.** Applicant not present. S. Eisenlohr explained the applicant submitted the additional information. J. Rollins asked what kind of buoy is it and how many vessels allowed on a waterfront. S. Eisenlohr explained what was previously approved for this property by the IWC; listed the existing structures. J. Rollins said the wall maintenance is minor and applicant has plenty of waterfront. Vice-Chairman Waring asked if the regulations say how many they can have. J. Rollins read from the regulations. Vice-Chairman Waring wanted to make sure adding the boatlift is no problem due to the amount of waterfront but expressed concern a buoy might allow a 4th vessel. S. Molinelli gave a possible scenario; noted it's clear it's 3 vessels. J. Rollins said this does not meet the ordinance; assuming it's a mooring buoy; otherwise it has to meet DEP requirements. S. Eisenlohr read from the regulation allowing 1 buoy. J. Rollins mentioned the marker referenced in the regulations. Discussion followed regarding the timeline of the application and wording of the condition. C. Kiely said it's a gusset buoy. Motion by J. Rollins to *approve* Application #IW09-36, 380 East Wakefield Boulevard, proposal for boatlift, lake wall maintenance and buoy, application of Beth Ballentine, Map 032, Block 105, Lot 068A, 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 Bond of \$ 0.00 be submitted to the Inland Wetland Office before construction begins.**

14. **The use of dock legs with pads to sit on lake bed allowed.**

15. **Boat lift description and location must comply with Town of Winchester Ordinance 162.** Second by B. O'Heron. Vote: all in favor except S. Molinelli, C. Waring and J. Reinert (abstained) - motion carried.

Item 8. **Agent Determinations – none**

Item 9. **Warnings**

A. **Scott Fox, 622 East Wakefield Boulevard – work without a permit: addressed earlier**

Item 10. **Violations**

A. **Patrick Hussey, 752 Lake Drive, Cease & Desist in place – Motion by J. Rollins to remove from the violations list.** Second by C. Kiely. Vote: all in favor – motion carried unanimous.

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

B. Cole-River Transportation/Plaatsdale Realty LLC – Cease & Restore Order at 147 Torrington Road – addressed earlier.

Item 11. **Communications & Bills**

- a. Chairman's report: Chairman O'Meara not present
- b. Notice of Show Cause Hearing – Plaatsdale Realty, LLC
- c. CACIWC 32nd Annual Meeting
- d. Inland Wetlands Meeting Minutes of 10-21-09
- e. Planning and Zoning minutes of 10-13-09
- f. Planning and Zoning minutes of 10-26-09
- g. Zoning Board of Appeals Minutes of 10-27-09
- h. Clerk's hours: **Motion** by R. Nalette to pay 3.5 hours to the clerk for the minutes of 10/21/09. Second by J. Rollins. Vote: all in favor – **motion carried unanimous.**
- i. 2010 Meeting Schedule
- j. J. Rollins said he would like to see more participation from Commissioners.

Item 12. **Adjournment**

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

Minutes respectfully submitted,



Laurie Bessette
Minutes Secretary

704 pm
app. 1

add "pile" driving Jim / Ric

unanim

settee / Bob

Agenda Scott added extension for Rick Synote
#7 ~~set & water field dist earlier~~
756 Lake Drive

11 I - Calendar for 2010

10 # Not Jim to remove this year Chris unanimous
B rem

11a - not present

Motion Ric Jim unanimous

Chris noted calendar

11 f Jim - all more participation for comin

Ric 10/10 } wait
Jim }

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