



TOWN OF WINCHESTER – CITY OF WINSTED

Town Hall – 338 Main Street  
WINSTED, CONNECTICUT 06098

FILED  
CLERK'S OFFICE  
OCT 28 2009

*Minutes of the Regular Meeting  
Inland Wetlands and Watercourses Commission  
October 21, 2009*

SHEILA S. SEDLACK  
TOWN CLERK OF WINCHESTER  
WINSTED, CT

The Inland Wetlands Commission met in the P. Francis Hicks Room. Call to order was made by Chairman Tim O'Meara at 7:05 p.m. The following members answered roll call: Tim O'Meara - Chairman, Chris Kiely, Ric Nalette, Brian O'Heron, James Rollins, Jr. and Scott Eisenlohr, Wetlands Agent. Robert Haburey, Stephen Molinelli and Chris Waring were absent excused. Jonathon Reinert was not present.

**Item 3. Approval of Minutes**

Motion by J. Rollins to *approve the minutes of September 16, 2009*. Second by C. Kiely. All in favor except T. O'Meara, J. Rollins and R. Nalette (abstained) – **motion carried**.

**Item 4. Agenda Review**

S. Eisenlohr added a 2-car garage at 424 East Wakefield Boulevard as Item 8H.

**Item 5. Old Business**

**A. Application #IW09-19, 250 Perch Rock Trail**, proposal to replace or repair sea wall and platform under dock, application of Richard and Annesa Borla, Map 113, Block 105A, Lot 055B, Zone HLD. Chris Altman, the applicant's daughter, representing her parents (also present), explained the proposal; reminded attendees they added the other ½ of the seawall and the walkway expansion (phase 2); did add the footing drain encased in gravel and filter fabric as suggested; changed the wording to repair or replace platform. Chairman O'Meara verified if replacing the platform that the same dock will go on top; asked about the walkway. Ms. Altman said they are unsure what material they will be using but the walkway will be 4' X 36' and flairs from the porch steps to a width of 6.6' at the dock. Chairman O'Meara asked how much pervious area is there now. Ms. Altman said almost the whole area is grass now with stepping stones leading to the water (showed an aerial photo of it). S. Eisenlohr said probably not more than 12 stepping stones. Chairman O'Meara asked if the platform is replaced, what's existing is bigger than the Commission would allow. Discussion followed regarding the size of the pier. S. Eisenlohr reviewed the activity. B. O'Heron noted ice moves piers; have got to be careful. Additional discussion followed regarding rebuilding what's there and plans for the footer. S. Eisenlohr recommended them leveling out the top of the existing pier. Further discussion followed regarding the base eroding from wave action and repairing the damage. J. Rollins asked the depth of the water. Ms. Altman said approximately 4'. J. Rollins agreed it makes more sense to clear up the mortar joints and pack it hard. S. Eisenlohr noted the applicant wants to add an extra step and that will go into the Lake unless the steps are recessed. Ms. Altman noted it may not be much further as the current steps are long. Chairman O'Meara felt the stairs should be recessed into the lawn. Discussion followed regarding wording the condition for the pier – if they replace it, it cannot exceed the current size. S. Eisenlohr verified keeping all three piers. Ms. Altman said the small one is not touching anything – almost an inch shorter; don't want to touch it. Brief discussion followed regarding removing it. S. Eisenlohr asked about existing property pins. Mr. Borla explained the location of the concrete pillars and pins. S. Eisenlohr verified they have a survey and they will leave the wall on the Johnson's side as is. Motion by R. Nalette to *approve Application #IW09-19, 250 Perch Rock Trail, proposal to replace or repair sea wall and platform under dock, application of Richard and Annesa Borla, Map 113, Block 105A, Lot 055B, 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:*

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THE UNIVERSITY OF ALABAMA

1967-68



Office of the Registrar  
University of Alabama  
Tuscaloosa, Alabama

The Registrar's Office is pleased to announce the opening of the University of Alabama's new campus in the city of Montgomery, Alabama. The new campus is located on the site of the former Federal Penitentiary and is a beautiful and modern campus. The new campus is a part of the University of Alabama system and is a part of the University of Alabama's commitment to excellence in education.

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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 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. Erosion control to be used during excavation for pier.
18. Registration/Authorization form for "Docks, Buoys, Swim floats, Walkways and Boatlifts Authorized" be submitted to the Inland Wetland office before being installed.
19. Project to be completed during 6 foot drawdown of lake.
20. No additional sand shall be added.
21. Excess material to be disposed of off-site.
22. The proposed staircase is not to protrude in to the water. Staircase will be recessed into the ground.
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.

Second by J. Rollins. *Discussion:* timeline of sidewalk completion. Vote: all in favor except R. Nalette (abstained) – motion carried.

- B. 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. S. Eisenlohr said the applicant asked to have this tabled for more landscaping information. Motion by R. Nalette to *table* Application #IW09-20, 91 East Lake Street. Second by J. Rollins. Vote: all in favor – motion carried unanimous.
- C. Application #IW09-21, 109 Rugg Brook Road, proposal to repair dam, application of Peter Hock, Map 026, Block 153, Lot 117, Zone RU-3. S. Eisenlohr read into the record a letter of withdrawal. J. Rollins verified they are going through DEP protocols.
- D. 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. S. Eisenlohr noted because this is an after-the-fact permit, there are no conditions; the only issue is the after-the-fact fee for the patio. Mr. Fox explained the patio was put in by a local landscaper; as soon as he found out a permit was needed, he contacted Chairman O'Meara who came over; pleading ignorance as he never knew he needed a permit; noted the contractor took all the safety measures. Chairman O'Meara explained when he went to look at it, it was stabilized; told him not to use polymer patio joint material. R. Nalette noted the property is already fairly hectic. B. O'Heron asked if the applicant had come to the Commission for a permit, would it have been allowed. S. Eisenlohr said the chances are good. B. O'Heron felt then have to deal with penalizing him. J. Rollins said the issue is would something have been different. B. O'Heron asked if what was installed violates any rules or is radically wrong. J. Rollins noted there's already a lot of impermeable surface; paver patios against the water have had a vegetative buffer; may have required something of that nature. Chairman O'Meara noted the Commission as no rules regarding the amount of impervious surface. S. Eisenlohr said ZBA is the only Commission that does. Mr. Fox distributed photos; noted that's the only flat area on the property. Chairman O'Meara said the Commission has had similar patios installed and they paid an after-the-fact fee and were allowed to keep them to avoid additional disturbance. B. O'Heron asked about ramifications if water hits the patio and runs into the Lake. R. Nalette explained the possibilities. Chairman O'Meara said a precedence has been set and this has less pervious surface than those. J. Rollins said if this had come to the Commission prior, it probably would have been approved but smaller with a buffer area; if approved without a penalty, there's no incentive to do it right the 1<sup>st</sup> time; felt a smaller patio would have been allowed with a vegetative buffer had it come through the proper channels. Chairman O'Meara asked if he would be more comfortable if a buffer area was added between the wall and the patio. J. Rollins said yes, some

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kind of vegetative buffer; it would be wise suggested 3'. R. Nalette said not less than 2'. S. Eisenlohr noted there is a space on the drawing. Brief discussion followed after re-examining photos indicating not much space. J. Rollins said his position is the after-the-fact fee and replace the 1<sup>st</sup> 2 or 3 blocks so it's the least amount of work with a grass strip or some kind of vegetative strip. R. Nalette agreed he would have requested a buffer. **Motion by R. Nalette to approve 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. 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 is not required.**

**14. A vegetative buffer to be established between the patio and stone retaining wall no less than 2' in width the length of the entire patio excluding access to the existing stationary walkway.**

*Discussion:* Mr. Fox disagreed; noted the sideyard has all the run off; fail to understand what 2' of paver stones is going to do. J. Rollins noted the single most important thing to protect is the Lake; the buffer area would filter pollutants from water going into the Lake. Mr. Fox said there's nothing in the patio that would impede drainage. J. Rollins said he disagrees; we've set a precedent, we've been putting the buffers on for quite some time now and also tried to look at after-the-facts and ask would we have approved it, how would we have done it and what conditions; trying to be reasonable as there's a lot of lakes in the State that would not let you get a patio near the water so you're already getting more than is good for the Lake; you don't have to agree with it. Chairman O'Meara verified an after-the-fact fee is a condition. Second by J. Rollins. R. Nalette added to his motion #15. **After-the-fact permitting fees apply.** Chairman O'Meara asked any further discussion. S. Eisenlohr verified if this motion fails a 2<sup>nd</sup> motion will be made. Vote in favor: J. Rollins & R. Nalette; opposed: T. O'Meara & B. O'Heron; abstained: C. Kiely – tie vote - **motion failed.**

B. O'Heron suggested the buffer be put in and not pay the fine. J. Rollins said due to the fact that the applicant came to us instead of us chasing them down, there's room for flexibility. S. Eisenlohr said it sounds like everyone's on the same page for the after-the-fact, it's the buffer that's questionable. Audience member explained the issue can be re-voted if motion made by negative voter. B. O'Heron suggested eliminating the \$500 fee. Chairman O'Meara verified that would be acceptable to the applicant. Mr. Fox said he sees there's a hang-up here and he's not done with creating the buffer; said he did own up to it and call Tim; total ignorance. Chairman O'Meara said it was half done when he got on the site and called Scott while he was on site. Mr. Fox asked if a motion could be made to just do it the way he wants to do it and if it fails go back to this. Discussion regarding the motion. **Motion by B. O'Heron to reconsider the vote.** Second by T. O'Meara. Vote: all in favor except C. Kiely (abstained) – **motion passes.** B. O'Heron asked why he's so firm about not having a buffer. Mr. Fox said just the aesthetics and my wife's allergic to bees; trying to eliminate the grass in front of the Lake; that's the whole reason we built the thing to begin with; don't want to deal with the potential. B. O'Heron asked if the Board knew that; gave an example of his neighbor. **Motion by R. Nalette to approve Application #IW09-22 (after-the-fact), 622 East Wakefield Boulevard, proposal for addition of existing patio already in place, conditions #1 – 12 are standard, Cash Erosion Bond not applicable, #14 after the fact permit fees apply.** Second by B. O'Heron. Vote in favor: T. O'Meara & B. O'Heron; opposed: J. Rollins & R. Nalette; abstained: C. Kiely – tie vote - **motion failed.**

S. Eisenlohr asked if the applicant applied for a variance from ZBA. Mr. Fox said no. S. Eisenlohr continued that way the Board knows if the coverage amount exceeds 15% and if it's within that, let the buffer slide; putting the idea on the table, but if he's around 20-25% coverage then that wouldn't help; suggested tabling this application. Mr. Fox asked what coverage means. S. Eisenlohr explained if the property doesn't exceed the 15% coverage, may not need a buffer area; although it's common practice to have the buffer between the patio and the Lake. Audience

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member said there's nothing to table since the vote failed; someone's going to have to re-open it again and then table it. B. O'Heron motioned to reconsider it again. J. Rollins noted Brian wasn't a negative voter. B. O'Heron said the bee-thing should be discussed. Discussion followed regarding the bee allergy issue and the impact of 2' grass buffer. J. Rollins said he wasn't sure where to go; verified he could just make a motion to table it. Audience member said have to have a vote to reconsider it and then a vote to table it. R. Nalette said if neither he nor Jim do anything, the applicant has to remove the patio; noted he doesn't want to deny use of the patio but make sure it gets done to the best and least amount of impact; **motion by R. Nalette to reconsider the application.** Second by J. Rollins. Vote: all in favor except C. Kiely (abstained) – **motion passes.** Discussion followed regarding acceptable materials. Mr. Fox asked if gravel would be acceptable; he would do that. J. Rollins said the function of the vegetative strip is that the closer to the water the more important that is, the further away the less important; the stone has some effect. B. O'Heron asked about the water going through the stone into the ground unless we have the flood of '55. S. Eisenlohr asked if he would do plantings and shrubs along the seawall and patio. R. Nalette noted he's trying to avoid attracting bees. Mr. Fox offered again to put the stone down. R. Nalette said grass and planting would be better than stone and stone is better than pavers. J. Rollins agreed and said there are marginal differences but trying to maintain consistency; the way we've handled after-the-fact fees in the past and applications; every application is different but we're trying to maintain consistency; we're not trying to be unreasonable to request a vegetative buffer. B. O'Heron said this guy's got a wife who can't be around bees; this is an exception. J. Rollins said you can find a 5% exception on almost any application in one way or another. B. O'Heron said that's part of our job. S. Eisenlohr suggested the applicant take it home, discuss it with his wife and come up with an alternative to bring back to the Commission next month. J. Rollins said it would be good to know the amount of impervious surface too; might have requested that information if the application had come before the Commission as was appropriate; we get into trouble when we're not consistent. **Motion by R. Nalette to table the application until the applicant can provide the Commission with the impervious surface of the lot and an alternative plan for the patio addition regarding the patio buffer.** Second by J. Rollins. *Discussion:* B. O'Heron asked what happens if the applicant comes back and there's plenty of pervious surface; is the Commission still going to want a buffer? R. Nalette said he has not visited the lot; the plan shows a lot of covered area meaning the water is not able to be absorbed where it would have; Planning & Zoning allows for no more than 15% coverage on a lot and we tend to follow that so, for example, if you come back with 100 s.f. of lot and 95 s.f. is covered, we would not allow that patio. Mr. Fox said he would guess he has more than 15% and guessing is probably in the neighborhood of 30; trying to understand what the Commission needs. Chairman O'Meara noted the property is not dead flat; not toward the water. S. Eisenlohr asked if the applicant had a sprinkler on there and the water goes through the blocks or back toward the lawn, would that help with the decision. Chairman O'Meara said he has an 800 s.f. patio that does not hold water. J. Rollins said he really wants a buffer, feels it's wise. Mr. Fox verified won't accept stone as a compromise. J. Rollins said the difference between vegetative and stone is greater than the difference between paver and stone; getting more bang for your buck. Chairman O'Meara asked if the retaining wall is stone or concrete. Mr. Fox said stone. R. Nalette asked of the patio is flush with the wall. Mr. Fox said maybe and inch below. Chairman O'Meara asked if this application is tabled, does the applicant need to come back next month; it's clear what he wants. S. Eisenlohr said he doesn't think so; he will talk with the applicant over the next month and see if he wants to submit a modified plan or leave a sprinkler out there for you; a lot of people like patios right up to the wall but if we make them build them differently. R. Nalette said a lot of people like to fill in their lakefront too but we can't let them do that; it's what's best for the Lake. Brief discussion regarding the photos. J. Rollins said Brian's point is well taken; what will change if we find out he has 30% coverage. Chairman O'Meara said if everyone sees the site and we wait until next month may change thought. Mr. Fox verified Ric is against the stone versus the vegetative buffer. R. Nalette said he has always been a proponent about vegetative buffer; it's one of the few controls we have; would not be adverse to the stone option but if it turns out you have a huge amount of coverage I would be more likely to approve a smaller patio if there is no buffer. Mr. Fox said he doesn't want to keep wasting time coming back here. S.

Eisenlohr said the Commission would like a 1-page plan and an alternative for them to think about. Mr. Fox said he doesn't understand what the Commission wants him to reconsider. R. Nalette said the Commission cannot engineer an application for an applicant; we can request another idea; you have a 15' X 26' patio against the Lake; if you sit down with your wife and she suggests a different direction. Mr. Fox said there's a design in it, don't want to do that either he's not going to come up with any brainstorms to modify it other than take the front with a buffer; seems like we're at an impasse, other than destroying the symmetry of it. R. Nalette reiterated we can't engineer it; the easiest solution is a buffer. J. Rollins asked if this has to go before Planning & Zoning. S. Eisenlohr said it may not since it's landscaping but will check. J. Rollins said those are some of the reasons for going in the right order; those are some of the questions that get answered ahead of time so we're not dealing with them now. Mr. Fox asked what alternatives are there other than grass. S. Eisenlohr said it would be up to you to talk with your wife or landscaper to come up with an alternative. Chairman O'Meara noted the difference between stone and grass or shrubs is the stone doesn't absorb any nutrients or chemicals. Vote: all in favor – **motion carried unanimous**. Chairman O'Meara verified the applicant doesn't need to come back next month. S. Eisenlohr said he will talk with the applicant and come up with some kind of drawing.

- E. **Application #IW09-23, 734 Lake Drive, proposal to replace existing dock with new permanent dock, application of Lynn Brennan, Map 038, Block 107, Lot 043, Zone HLD.** Nicholas Mancini, representing, reviewed the proposal; noted the same procedure will be used on the next application; taking a temporary dock and placing a new steel structure. Chairman O'Meara verified a floating dock is there currently. Mr. Mancini noted it's on legs. Chairman O'Meara verified there will be no excavation. R. Nalette asked dimensions. Mr. Mancini said 12 X 12 and approximately ½" thick; there will be four (4) of them. Chairman O'Meara asked if that will drive them through ledge. Mr. Mancini said deep enough to embed them; the only thing in the Lake will be the four piles; all equipment will be behind the retaining wall. S. Eisenlohr verified there are no piers. Mr. Mancini said the dock is taken out every year. J. Rollins noted the outer 2 are 36' out; asked how they will be driven. Mr. Mancini said with a crane; noted there is no sediment or dirt; all equipment has vegetable-based oil in it; 5' or 6' embedment is fine and expect to get that. J. Rollins verified the new structure is going in the same location as the current dock. Mr. Mancini showed pictures of the current dock. J. Rollins verified this meets the littoral requirements. Mr. Mancini noted the proposed location of the equipment. Chairman O'Meara asked if the work needs to be done during a drawdown. Mr. Mancini noted can be done anytime. B O'Heron asked of weather will affect driving into the Lake. Mr. Mancini said no. **Motion by T. O'Meara to approve Application #IW09-23, 734 Lake Drive, proposal to replace existing dock supports with new permanent supports, application of Lynn Brennan, Map 038, Block 107, Lot 043, 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. **No construction equipment allowed in the lakebed at any time.**
15. **Work to be completed in dry section of lakebed. Working in water not allowed.**
16. **Project to be completed during 6 foot drawdown of lake.**
17. **Complete DEP form before work begins or Inland Wetland approval will not be mailed.**
18. **No additional sand shall be added.**
19. **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 to be returned if site is stabilized per Inland Wetland Agent.**

Second by J. Rollins. *Discussion:* Whether or not condition #15 applies; consensus is it still applies. Vote: all in favor except R. Nalette (abstained) – **motion carried**.

- F. **Application #IW09-24, 536 Wheeler Point, proposal to place jet ski docks, place swim platform (floating), place boat lift, build new dock, build patio at rear of house, application of Nicholas M. Mancini, Jr., Map 038, Block 105, Lot 085D, Zone HLD.** Nicholas Mancini explained this is the

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same activity as the previous application except adding lifts. B. O'Heron verified with S. Eisenlohr this activity is all within the rules. S. Eisenlohr explained Mr. Mancini is well-educated in the rules and all is spelled out on the plans; all is added up on the side of the map. Chairman O'Meara verified the jetski lift is dual. Mr. Mancini said dual or 2 singles put together. Brief discussion followed regarding not having more than two (2) lift structures. Chairman O'Meara verified the size of the dock. Mr. Mancini said it's a 5' X 20' floating but the new dock will go in the same place. R. Nalette verified the fee was paid. Discussion followed regarding fees. Chairman O'Meara verified structure locations. Mr. Mancini noted the locations. J. Rollins asked about wall material. R. Nalette noted the patio on the rear of the house is not on the map. Mr. Mancini indicated the location of the patio by the stairs (drew the location on Scott's plans). S. Eisenlohr asked what is under the patio. Mr. Mancini said piers or sonnatubes. J. Rollins asked if it's a patio or deck. Mr. Mancini said probably a wood deck. R. Nalette asked how far off the ground will it be and what material will be underneath. Mr. Mancini said crushed stone. J. Rollins verified there will be drawings for the file. B. O'Heron asked if there are any limitations he has to stay within. S. Eisenlohr explained it will not extend beyond the piers or end of the house. Chairman O'Meara noted a patio would be far more disturbance than a deck. Mr. Mancini confirmed this will not be a patio but a deck. S. Eisenlohr noted it will go no further than the stairs or wider than the house. J. Rollins asked the depth of the water for the last pyle. Mr. Mancini said 6' +/-.

**Motion by T. O'Meara to approve Application #IW09-24, 536 Wheeler Point, proposal to place jet ski docks, place swim platform (floating), place boat lift, build new dock, build patio at rear of house, application of Nicholas M. Mancini, Jr., Map 038, Block 105, Lot 085D, 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. No construction equipment allowed in the lakebed at any time.**
- 15. Work to be completed in dry section of lakebed. Work in water not allowed unless authorized by Inland Wetland Agent.**
- 16. Project to be completed during 6 foot drawdown of lake.**
- 17. Complete DEP form before work begins or Inland Wetland Approval will not be mailed.**
- 18. No additional sand shall be added.**
- 19. 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 to be returned if site is stabilized per Inland Wetland Agent.**

Second by R. Rollins. *Discussion:* Chairman O'Meara suggested the jetski lift be monolithic. J. Rollins said the regulations require that; noted activity must take place during the 6' drawdown. Further discussion followed regarding action of driving and possible fluids in the Lake. Mr. Mancini said this activity is monitored by the DEP. J. Rollins said this Commission has never done it and need to be consistent with the last application. Discussion followed regarding the equipment used for this type of activity runs with vegetable oil-based lubricants, use is accepted by the DEP and Army Corp of Engineers, etc. S. Eisenlohr will let the Commission know when activity begins. **Vote: all in favor – motion carried unanimous.**

*Break called at 8:58 p.m. · Meeting reconvened at 9:07 p.m.*

- G. 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. S. Eisenlohr said the applicant is on the violation list but has asked to table the application as he is out of the country and would like to ask the Commission to keep the pillars. Motion by R. Nalette to table this application to the end of the meeting. Second by B. O'Heron. Vote: all in favor – motion carried unanimous.**

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H. **Application #IW09-27, 22 Rowley Street, proposal to stabilize area adjacent to retaining wall, application of Griffith Energy Services, Inc. (dba SCASCO), Map 111, Block 070, Lots 025B & 026, Zone CB-2.** Todd Parsons, of Lenard Engineering, representing, present along with 2 representatives from Clandestine Consulting. Chairman O'Meara asked about stabilizing the area between the new wall and the existing wall and verified excavating will not affect the existing wall. Mr. Parsons explained the shoring system; noted borings were done to locate the back of the wall. J. Rollins said he doesn't feel this is a wetlands issue. T. O'Meara said until it falls into the river; asked what happens if the shoring system fails. J. Rollins asked for more information on the shoring procedure. Mr. Parsons detailed the process; explained it is almost identical to the system used on the Perch Rock Trail pump station in which conditions were worse; this will be difficult and needs to be done carefully and slowly. B. O'Heron asked what the chances of failure are. Mr. Parsons said this is the best option given the circumstance; it's unlikely to fail. J. Rollins verified the location and process of shoring; concerned with the existing wall and the effects of shoring. Mr. Parsons explained that was why borings were done; if they encounter something unexpected, will make adjustments; nothing is prohibiting them from moving the stabilization wall closer into the property; the failure zone will have not been impaired; the back side of the wall will never be vertical and the gaps will only be filled on the sides. Discussion followed regarding review of plans and discussion over last month's review. J. Rollins noted they're doing as much as they can do; don't know what they can do better. R. Nalette verified the breach in the wall will not be repaired. Mr. Parsons noted that is not their property; would prefer to have fixed the wall but have not reached an agreement with the property owner. R. Nalette verified the work is to prevent further breaches in the wall. J. Rollins asked about driving sheet pyles in. Mr. Parsons said potentially that has more vibration. R. Nalette asked what type of erosion & sedimentation controls will be used. Mr. Parsons said a temporary burn and a filtration set-up for any de-watering. Discussion followed regarding the \$2,000 erosion & sedimentation control bond. Chairman O'Meara asked if this is considered a significant activity given the proximity. Mr. Parsons noted that was discussed last month. R. Nalette noted no one is in the audience regarding this issue. **Motion by R. Nalette to approve Application #IW09-27, 22 Rowley Street, proposal to stabilize area adjacent to retaining wall, application of Griffith Energy Services, Inc. (dba SCASCO), Map 111, Block 070, Lots 025B & 026, Zone CB-2. 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 \$2,000.00 be submitted to the Inland Wetland Office before construction begins.**

**Item 6. New Business**

**A. Application #IW09-33**

Applicant: Gerald Mackie

Location: 613 West Wakefield Boulevard

Map: 38, Blk: 114, Lot 188, Zone: HLD

Proposal: Repair a portion of existing waterfront stone wall

Mr. Mackie explained the wall is beyond patching. Chairman O'Meara verified the condition of the wall. S. Eisenlohr reminded Commissioners they are only accepting this application. R. Nalette verified the property is pinned. Mr. Mackie said it was recently surveyed. J. Rollins verified it is currently stone and mortar and will be repaired with the same. **Motion by R. Nalette to accept 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. Second by J. Rollins. Vote: all in favor – motion carried unanimous.**

**B. Application #IW09-34**

Applicant: Jeff Dutton

Location: 672 East Wakefield Boulevard

Map: 38, Blk: 107, Lot: 029, Zone: HLD

Proposal: Reconstruct and existing dock and shed

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Michael Hamm, representing, along with Jeff Dutton (who represents Mr. Colucci). Mr. Hamm explained the existing 4' X 4' shed and a deck will be removed.; the shed will be reconstructed on a 4" concrete slab to avoid excavating for piers; will probably be done in the Spring; the deck will be done on pre-cast piers; there will be no import or export of material; activity is within the regulated area; a dock registration was requested but Mr. Colucci does not own the docks although does have rights to them. R. Nalette verified the shed and deck will be the same dimensions. Mr. Hamm explained Mr. Dutton understands he cannot expand beyond the existing footprint. J. Rollins asked if this is a new shed. Mr. Hamm said the current shed is dilapidated; the dock is currently odd-shaped so will end up more conforming. **Motion by R. Nalette to accept Application #IW09-34, 672 East Wakefield Boulevard, proposal to reconstruct existing deck and shed, application of Jeff Dutton, Map 38, Block 107, Lot 029, Zone HLD. Second by B. O'Heron. Discussion:** J. Rollins asked if the sonnatubes will be dug by hand. Mr. Hamm said a small excavator will be used due to the rocky conditions but will implement erosions and sedimentation controls. J. Rollins asked about access for the excavator. Mr. Hamm said over the short retaining wall. J. Rollins asked about the slope of land for the holes of the deck. Mr. Hamm said probably 5'; should be okay since they're only going town 4' for the pre-cast (which Marc Melanson prefers over pouring piers). Chairman O'Meara verified hand-pouring the slab. J. Rollins verified the slope is grass and rock. **Vote: all in favor – motion carried unanimous.**

C. Application #IW09-35

Applicant: Matt Closson

Location: 410 East Wakefield Boulevard

Map: 032, Blk: 105, Lot 72, Zone: HLD

Proposal: Rebuild existing boathouse foundation walls and, if approved for variance, extend the walls 4' to the rear and 3' to the side

Mr. Closson, representing the Mandells, explained the proposal; noted going to ZBA as well, the existing stone foundation will be taken down, the foundation poured and stones replaced to build it back up; will be bringing in additional stone. Chairman O'Meara verified the location of the house; verified the boathouse foundation sits behind the seawall. J. Rollins verified previous activity on this property. Chairman O'Meara verified this process is already underway with ZBA. Mr. Closson said will meet next week. J. Rollins asked if the foundation will be rebuilt out of stone. Mr. Closson said correct; the retaining wall was re-done but not the boathouse foundation; will be done to match the wall. **Motion by R. Nalette to accept Application #IW09-35, 410 East Wakefield Boulevard, proposal to reconstruct existing deck and shed, application of Jeff Dutton, Map 38, Block 107, Lot 029, Zone HLD. Second by J. Rollins. Vote: all in favor – motion carried unanimous.**

Item 9. **Warnings**

- A. Gilbert School, 200 Williams Avenue – stone retaining wall: Todd Parsons, Lenard Engineering, explained the bids came in but haven't seen them; expect temporary stabilization work to begin within the next 3 weeks while the full study is done; verified will get a letter regarding the formal approval of agent determination.

Item 10. **Violations**

- A. Patrick Hussey, 752 Lake Drive, Cease & Desist in place – litigation pending: addressed further in meeting
- B. Cole-River Transportation/Plaatsdale Realty LLC – Cease & Restore Order at 147 Torrington Road: Todd Parsons, Lenard Engineering, representing, explained he was hired the previous Monday but had not seen the letter; will get a survey done to see what has been done. S. Eisenlohr distributed a copy of a map; noted the areas that were clear-cut and location of wetland limit; noted the lower wetlands is not delineated and is the area that will be investigated first. Chairman O'Meara asked if that area was filled. S. Eisenlohr said was graded but is in the 100-year flood zone. Mr. Parsons said in 2002, his client knew he wouldn't cross that line; has hired a soil scientist and will get a survey done. S. Eisenlohr explained Mr. Parsons is working to get more information. J. Rollins asked if the Commission will get an application soon. Mr. Parsons said

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ideally next month but it will be pending the survey. Chairman O'Meara verified activity has ceased. S. Eisenlohr said he talked with Cole-River but it is not stabilized yet. Discussion followed regarding following up on erosion and sedimentation controls. J. Rollins verified there was an existing sediment control basin. Mr. Parsons said yes; noted the whole area was disturbed but it did exist seven (7) years ago. S. Eisenlohr said once the wetlands are delineated, we'll know more. Mr. Parsons noted it would have been easier if the delineation was done before the activity but there are procedures to arrive at a reasonable line. Consensus is the Commission is good with the erosion & sedimentation controls being installed.

**Item 7. Other Business – none**

**Item 8. Agent Determinations**

**A. Application #IW09-28**

Applicant: Irving Reyell, Jr.

Location: 730 Lake Drive

Map: 038, Blk: 107, Lot(s) 039, Zone: HLD

Proposal: Dig 2 piers to support chimney chase

S. Eisenlohr said the chimney doesn't touch the ground and explained the proposed activity.

*Commission supported.*

*There is no Item 8B.*

**C. Application #IW09-29**

Applicant: Michelle & Ken Hintz

Location: 67 Holmes Drive

Map: 113, Blk: 153A, Lot(s) 005H, Zone: R-2

Proposal: Shed & Chicken coop. No forms being poured.

S. Eisenlohr explained the proposed structures are next to an intermittent stream and swale.

*Commission supported.*

**D. Application #IW09-30**

Applicant: Westwood Products, Inc.

Location: 167 Torrington Road

Map: 39, Blk: 158, Lot(s) 20A, Zone: IB-1

Proposal: New 20,000 s.f. addition to existing building to be used for pallet-making

S. Eisenlohr explained the proposed addition is behind the existing brown building; noted there is a man-made paved swale that is bone-dry. *Commission supported.*

**E. Application #IW09-31**

Applicant: Williams L. Gilbert Trust Corporation

Location: 200 Williams Avenue

Map: 106, Blk: 39, Lot(s) 002, Zone: R-1/R-3

Proposal: Install 60 cubic yards of riprap near stream to stabilize retaining wall

J. Rollins asked what size riprap will be used. S. Eisenlohr said he doesn't have that information.

*Commission supported.*

**F. Application #IW09-32**

Applicant: John A. Dombrowski, Jr.

Location: 423 Winchester Road

Map: 031, Blk: 153, Lot(s) 021E, Zone: R-3

Proposal: Sanitary system repair/replace

S. Eisenlohr explained the locations and noted the wetlands is above the proposed area of activity.

*Commission supported.*

**G. Application #IW02-15**

Applicant: Rich Lederman

Location: 537 West Wakefield Boulevard

Map: 38, Blk: 115, Lot(s) 6A, Zone: HLD

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Proposal: Replace seasonal cottage with year-round cottage

S. Eisenlohr explained this is for an expired agent approval. B. O'Heron verified this is just renewing a permit. *Commission supported.*

H. Application #IW09-37

Applicant: Rick Hahn

Location: 424 East Wakefield Boulevard

Map: 32, Blk: 105, Lot(s) 75, Zone: HLD

Proposal: 2-car garage

S. Eisenlohr indicated the area of activity on a plan and indicated the location of an intermittent stream; explained the activity on the neighboring property and noted this is further away. J. Rollins asked if the site was restored. S. Eisenlohr said the footings were prepared but not poured; noted already has ZBA approval. Brief discussion followed regarding the topography of the property. *Commission supported.*

R. Nalette said he has a problem with the Westwood Products addition. S. Eisenlohr explained it is behind the bark mulch place. J. Rollins noted the location is significantly higher and all sand. S. Eisenlohr showed the plan and indicated the location. J. Rollins reiterated it's at least 10' higher and all sand or wouldn't be able to move the excavators around. S. Eisenlohr said he told them they have to install erosion and sedimentation controls and call before starting the work. J. Rollins said he probably would request a bond; asked how far from the stream they are. S. Eisenlohr said 75' or 100' away. J. Rollins said that's way, way away.

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

B. Application #IW09-36

Applicant: Beth Ballantine

Location: 380 East Wakefield Boulevard

Map: 032, Blk: 105, Lot 068, Zone: HLD

Proposal: Boat lift, lake wall maintenance, buoy

Applicant not present. Brief discussion regarding buoy. Chairman O'Meara asked if the manufacturer makes a steel walkway that attaches. C. Kiely explained this company makes brackets that attach to the lift; noted this was the Corey property in the narrows. Brief discussion regarding other activity. R. Nalette noted there is 213' of frontage. Further discussion followed regarding lifts and floats being the same in the regulations. B. O'Heron noted they are only asking for a boatlift and wall maintenance. Chairman O'Meara said there are already two (2) there currently. R. Nalette said and a dock. B. O'Heron suggested could combine the two (2) jetski lifts. R. Nalette felt the Commission shouldn't be suggesting that; said he has an issue with bolting 2 lifts together and calling it one. J. Rollins agreed but noted they have 200+ feet. B. O'Heron said the sub-committee went through all this. J. Rollins and B. O'Heron discussed the sub-committee's considerations. Discussion followed regarding the wall maintenance. **Motion** by R. Nalette to **accept #IW09-36, proposal for boat lift, lake wall maintenance and buoy, 380 East Wakefield Boulevard, application of Beth Ballantine, Map 032, Block 105, Lots 068, Zone HLD.** Second by T. O'Meara. *Discussion:* Type of buoy was discussed. J. Rollins read from the regulations regarding a mooring buoy as long as they go to the State for standards. **Vote: all in favor – motion carried unanimous.**

Item 9. **Warnings (continued)**

B. Scott Fox, 622 East Wakefield Boulevard – work without permit: addressed earlier

C. Nader: J. Rollins asked if a letter went out.

Item 5. **Old Business (tabled from earlier in the meeting)**

G. 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. Discussion followed regarding the activity and possible reasons to allow tabling the application. **Motion** by T. O'Meara to **table Application #IW09-25, 752 Lake Drive, proposal to remove four (4) concrete**

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**pillars from lake bed, application of Patrick Hussey, Map 044, Block 107, Lots 55 & 56, Zone HLD. Second by J. Rollins. Vote: all in favor – motion carried unanimous.**

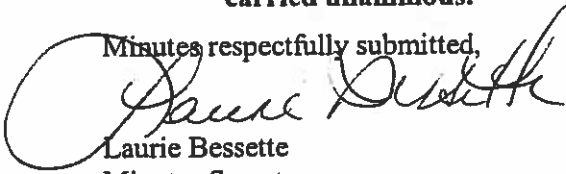
**Item 11. Communications & Bills**

- a. Chairman's report: Chairman O'Meara reviewed his report
- b. Inland Wetlands Meeting Minutes of 9/16/09
- c. Planning and Zoning minutes of 9/14/09
- d. Planning and Zoning minutes of 9/28/09
- e. Zoning Board of Appeals Minutes of 9/22/09
- f. Clerk's hours: **Motion** by R. Nalette to pay 3.5 hours to the clerk for the minutes of 9/16/09. Second by J. Rollins. Vote: all in favor – **motion carried unanimous.**

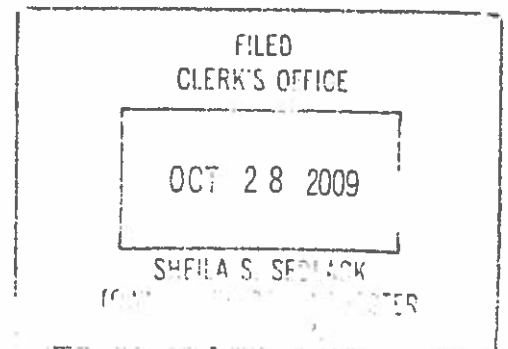
**Item 12. Adjournment**

**Motion** by R. Nalette to adjourn at 10:30 p.m. Second by T. O'Meara. Vote: all in favor – **motion carried unanimous.**

Minutes respectfully submitted,



Laurie Bessette  
Minutes Secretary





Blwwc 10-21-09

Call to order Jim 7:05p  
Minutes 9/16/09 Jim Rollins  
Chris

Scott added 8H - 2 car garage  
Abs Tim, Jim, Ric

Break called 8:58p • reconvened 9:07p

Todd  
9A Gilber - sought bids; none in today but haven't seen them - expect work w/in next 3 weeks for temp stabilization work while full study is done  
Jim asked if will get formal appl letter for agent deterring

10B - Todd; was hired Monday, have not seen letter; will get survey done to see what has been done

Scott dist re of map - noted areas of clear cut - wetland limit is there; lower wetlands is not delineated - that's where will investigate 1st

Jim asked if filled

Scott graded it's 100 yr flood

John said in 2002 client knew they wouldn't cross that line; client hired soil scientist & then get survey done - encouraged to

hire Michael Kline

Scott expe Todd is working to get more informal

Handwritten notes at the top of the page, including the date "10/10/10" and some illegible text.

Handwritten notes in the middle section, starting with "The first part of the..." and continuing with several lines of text.

Handwritten notes in the bottom section, starting with "The second part of the..." and continuing with several lines of text.

Jim asked if an appl w/b done soon.  
Jdd ideally next month but pending surveys  
Jim verified everything is ceased  
Scott should talk of Cole River but not

Stabilized yet  
disc re: <sup>following up on</sup> eds controls  
Jim verified there was an existing sediment  
~~basin~~ control basin

Jdd yes - that whole area was disturbed but  
it existed 7 yrs ago

Scott once wetlands are delineated will know  
more

Jdd w/b easine if delineation was done before  
activity, but there are procedures to come  
up w a reasonable line

Consensus is all goals w/eds being installed

So - Scott  
a - chimney doesn't touch ground  
b - ~~is~~ next to an intermittent stream & swale  
behind brown metal bldg <sup>w/b addition</sup> - there's a man-made  
paved swale (bone dry)

e - you what size rap rap? Scott don't have info

f - Scott - appl location - wetlands above area activity

g - Scott - <sup>pre</sup> wetland agent appl that had expired

Brian verified just renewing permit

h - Scott showed activity on plan - indicated location  
of intermittent stream; appl activity on neighboring  
property - noted this is further away; this is a 2-car  
garage

The water table is the surface of the water that is under the ground. It is the level to which water will rise in a well. The water table is affected by the amount of water that is added to the ground and the amount of water that is removed from the ground.

The water table is also affected by the permeability of the ground. Permeability is the ability of a material to allow water to pass through it. If the ground is highly permeable, water can move through it easily and the water table will be higher. If the ground is less permeable, water cannot move through it as easily and the water table will be lower.

The water table is also affected by the topography of the land. If the land is flat, the water table will be at the same level everywhere. If the land is sloped, the water table will be higher on the higher side and lower on the lower side. This is because water flows from the higher side to the lower side.

The water table is also affected by the amount of water that is used. If a lot of water is used, the water table will be lower. If a little water is used, the water table will be higher. This is because the water that is used is being removed from the ground.

The water table is also affected by the amount of water that is stored in the ground. If a lot of water is stored in the ground, the water table will be higher. If a little water is stored in the ground, the water table will be lower. This is because the water that is stored in the ground is being added to the water table.

Jim asked site has been restored?

Scott - footings prepared but not poured

Ric application come before us?

Scott already got ZSA appvl

Brief disc re: topography

Ric not comfortable w/ Westwood products addition

Scott said its behind Bark Mulch place

Jim - its significantly higher - all sand

Scott showed plan & indicated location

Jim asked its 10' higher & all sand or wouldnt<sup>+</sup>

be able to move excavators around

Scott told them have to install eds controls & call before started

Jim w/ prob have done a bond; how far from stream?

Scott 75-100'

Jim way way away

Committed supp Agent appvl's

Back to Beth Bel

QC - Jim did letter go out?

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10 A - disc re: activity & possible reasons to allow tabling

Motion Time Table  
to next month

Jim - man

Jim if a fee is not paid the appl s/n come to Commission

Disc re: who & how much, procedure

Culverts fixed by now cross road  
no activity in months

Motion fee } unknown  
Jim

Motion 10:30 fee }  
Tom } man

10/11 - 10/11 - 10/11

10/11 - 10/11 - 10/11

10/11 - 10/11 - 10/11

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