

Town of Winchester
INLAND WETLANDS & WATERCOURSES COMMISSION
Minutes of Regular Meeting
July 15, 2009

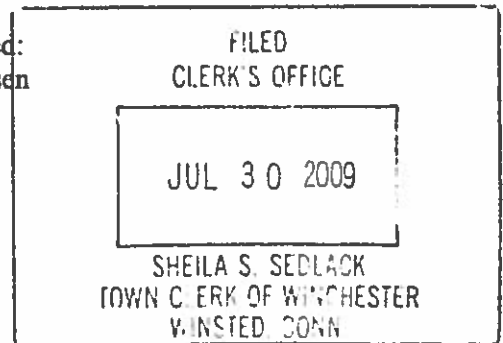
The regular meeting of the Inland Wetlands & Watercourses Commission met in the P. Francis Hicks Room, 2nd Floor, Town Hall, 338 Main Street, Winsted and was called to order at 7:03 p.m. by Chairman O'Meara. The roll was called:

2. Roll Call:

Present:

Tim O'Meara	Stephen Molinelli
Christopher Waring	Robert Haburey
Ric Nalette	James Rollins, Jr.
Brian O'Heron	Chris Kiely
Scott Eisenlohr, Agent	

Absent/Excused:
Sherrie Andersen



3. Approval of Minutes

Motion made by Commissioner Nalette and seconded by Commissioner Rollins to approve the minutes of the Special Meeting June 15, 2009.

All in favor. Unanimous. Motion passes.

Motion made by Commissioner Nalette and seconded by Commissioner Rollins to approve the minutes of the regular meeting of June 17, 2009.

All in favor. Unanimous. Motion passes.

4. Agenda Review

Agent Eisenlohr said that Miss Andersen may be resigning for personal reasons. She will know and let him know by the end of the month.

Chairman O'Meara said that while they are waiting for Mr. Dismukes to set up they will go to Item 8: Warnings:

8. Warnings

A. Gilbert School, 200 Williams Ave. stone retaining wall

Agent Eisenlohr said that going up the east driveway the stone retaining wall collapsed into brook again. About 6-8 feet away is the new uni-lock block retaining wall for the turn around. They are asking Lenard

Engineering how they should repair it and Agent Eisenlohr told them they will need a permit. They are working on it right away and Lenard will be putting in an application.

Chairman O'Meara asked about the collapsing retaining wall by the Nader building and asked if they are sending them a letter. It is getting worse and they have it barricaded. It was discussed that the property on both sides of the river belongs to the Naders. Agent Eisenlohr said that when they had to sign the permit the Naders would not sign the application because it was going to be done and then back charged to the Naders. He will send out a letter next month.

B. Peter & Erin Rogala, 122 East Wakefield Blvd. work without permit

Agent Eisenlohr said that the address is wrong it should be number 622 East Wakefield. This is the unlock block patio on the Lake on the east side without a permit. A couple Commission members asked the owners or the contractor to come to a meeting and neither have. It may have slipped their mind so he has sent them a warning letter to ask them to come. He sent it out about a week ago and has not yet heard back from anyone. Commissioner Nalette said that the warning letter has a typo and seems to have dropped a "not" so if it is a form letter it should be corrected.

Commissioner Molinelli said that he was informed that on Shore Drive there was a violation over the winter that someone backfilled 18 yards of something into the Lake. Agent Eisenlohr said yes. He said that when they were looking to get their CO, he made them pull the material back out. There was no water there so they were able to pull the material out. He sent them a warning letter. He will put the copies of the letter in the packet for next month. Commissioner Molinelli said that he was of the understanding that it was only within the last few weeks. Agent Eisenlohr said that it was back in the winter and it was remedied immediately.

Agent Eisenlohr said that the Warning list is only going to get larger because with hours cut he cannot get to everything and is sending out more warning letters to address issues.

The Commission touched based on the violations of Hussey and O'Connor and Agent Eisenlohr said that they are both getting letters this month.

- A. Application #IW09-03 Continued Public Hearing**
Applicant: PCNK, LLC
Location: 120-126 Colebrook River Road
Map: 012, Blk: 150, Lot(s): 048E Zone: IA-1.
Proposal: Construct 30,000 SF industrial building with parking lot, driveway, storm drainage and utilities.

Motion made by Commissioner Nalette and seconded by Commissioner Rollins to continue the Public Hearing.

All in Favor. Unanimous. Motion passes.

Jason Dismukes was present to represent PCNK. Mr. Dismukes said that where it was left last month was that he revised the plans per the consultants comments and there were lengthy discussions with the Commission regarding these and Penny Sharpe was present and also addressed questions. The Consultant still has not fully reviewed the revised plans. He spoke with him on Monday and that he still has two issues that concern him.

Mr. Dismukes said that Mr. Trinkaus calls into question the wetlands delineations and how they are drawn on the plan. Ralph Stanton did the wetlands delineations and he put them where he determined they were. It is commonplace for a surveyor to connect the flags with straight lines. This site has a lot going on with typical wetland soils and alluvial soils. Mr. Dismukes said that he took the AutoCAD file that John DiCara prepared with the wetland flags located and sent it directly to Mr. Stanton and Mr. Stanton opened it up and based on his sketch and his field notes he delineated the wetlands and sent it back to him. Mr. Stanton is not only a soil scientist but an engineer and a sanitarian.

Agent Eisenlohr said that these are the outstanding issues that the consultant had and he asked Mr. Dismukes to come to the meeting so that they can discuss some of the issues. He said that the issue about the wetland delineations is that he is fine with the map and that Mr. Stanton has a very good reputation.

Agent Eisenlohr further said that the other outstanding issue is the topography. Mr. Dismukes said that the limits of existing topography don't quite go out to the limits of the proposed work. He said that Mr. Trinkaus has a big issue with that. Mr. Dismukes said that he cannot disagree with that. It was unfortunate that they didn't have enough information and after speaking with Mr. Trinkaus on Monday he called John DiCara and had him reverse his crew and go to the site and they got enough information and got the plan to him last night. Mr. Dismukes said that he did not revise the entire plan but brought in a site plan showing where the new information is and showed the Commission on the map.

Commissioner Rollins asked about the actual delineation on the page on the wetlands. Assuming it was done the way Mr. Trinkaus wants it done what would it change in the design. Mr. Dismukes said that he would not change anything. If anything he would show less disturbance not more.

That is all they have for issues so far.

Chairman O'Meara asked what they are waiting for from Mr. Trinkaus. Agent Eisenlohr said the money from the applicant and the applicant is out of the country at this time. Mr. Dismukes said that when they originally started this the consultant gave an estimate of \$1,800 for the review and is now asking for another \$1,000 to look at the revisions. The applicant will be returning tomorrow and the additional consultant cost will be submitted.

Agent Eisenlohr said that he will get the final review from Mr. Trinkaus and have that for the next meeting. He said he looked at the time table and they need to close the Public Hearing tonight. It was discussed that as long as the only things addressed after the Public Hearing are the issues that are currently on the list, it will not be ex parte communication. There is no new information coming in.

Motion made by Commissioner Rollins and seconded by Commissioner Molinelli to close the Public Hearing.

The time table was reviewed and Agent Eisenlohr said that the Commission has 35 days to make a decision.

All in favor. Unanimous. Motion Passes.

Motion made by Commissioner Waring and seconded by Commissioner Nalette to table to the application to the August 19th meeting.

All in Favor. Unanimous. Motion passes.

B. Application #IW09-09
Applicant: Edward Dzielak
Location: 362 East Wakefield Blvd
Map: 032, Blk: 105, Lot(s): 068F Zone: HLD
Proposal: 1 Dual PWC Lift

Agent Eisenlohr was unable to get in touch with Mr. Dzielak. He left messages at both numbers. He has nothing new.

The Commission discussed at length the Ordinance and what category the PWC lift falls into. Measurements and possible changes to the plan were also discussed. The Commission agreed that this particular application is not expressly addressed in the Ordinance and that they will need the applicant present and questions answered before they can make any type of decision on it. It was requested that Agent Eisenlohr meet with the applicant and get additional information as well as have him present for the next meeting.

Motion made by Commissioner Nalette to Deny the application because it is non-compliant with Section. There was No second and no action taken on motion.

The Commission further discussed at length that they are not willing to act on the application without further information in order to make an educated decision based on the parameters of the application and the Ordinance.

The Commission instructed Agent Eisenlohr that they need the following information from the applicant for the next meeting: a picture of the dual lift, the depth of water, an answer on whether he can shorten the walkways; and an answer on whether he can eliminate the 9 foot single section that goes out.

Motion made by Commissioner Molinelli and seconded by Commissioner O'Heron to table the application to next month's meeting in order to meet with the applicant.

All in favor. Unanimous. Motion passes.

5. Old Business

None

6. Other Business

None

7. Agent Determination

None

9.

Violations

- A. Patrick Hussey, 752 Lake Dr. - Cease and Desist in place-pending litigation.
- B. Jean O'Connor, 348 W. Wakefield Blvd.-Permit non-compliance.

These were addressed earlier in the meeting after Agenda Review after discussion on Warnings and before the Public Hearing continued. Additionally, Chairman O'Meara said that Agent Eisenlohr needs to stop by the Hussey property because there is now a trampoline there.

10.

Communications & Bills – Other Business

- A. Chairman Report.

Nothing to add.

- B. Membership letter asking if they are still interested

Agent Eisenlohr is following up on finding out if Sherrie Andersen will continue on the Commission.

- C. Letter to Sue Peacock and Craig Sanden for members to sign

The letters from the last meeting had been formally printed and were available for the Commission members to sign. The letter to Craig Sanden needs to be retyped because it refers to him as past Chairman which he was not.

- D. Clerks Hours.

Motion made by Commissioner Waring and seconded by Commissioner Rollins to pay the Clerk's Hours.

All in Favor. Unanimous. Motion passes.

- E. Planning & Zoning Meeting Minutes from 6/22/09
- F. Zoning Board of Appeals 6/23/09

Items E through F are for Commission information.

13.

Adjournment

Motion made by Commissioner Rollins and seconded by Commissioner Molinelli to adjourn the meeting at 8:13 p.m.

All in Favor. Unanimous. Motion Passes.

Respectfully submitted,


Clerk, Anna L.

ATTENDANCE RECORD

INLAND WETLAND AND WATERCOURSES

2009

500 pgs
5/6/09

Name	1/21	2/18	3/4 Special	3/18	4/22	5/20	7/17	7/15	8/19	9/16	10/21	11/18	12/16
Tim O'Meara	P	AE	P	AE	P	P	AE	✓					
Christopher Waring	P	P	P	P	P	AE	P	✓					
Ric Nalette	P	AE	P	AE	P	P	P	✓					
James Rollins Jr	P	P	P	P	P	P	P	✓					
Stephen Molinelli	P	P	A	P	P	P	P	✓					
Chris Kiely	AE	AE	AE	AE	P	P	P	✓					
Robert Haburey	P	P	P	P	P	P	P	✓					
Sherrie Anderson	N/A	N/A	N/A	NA	NA	A* A*	A*						
Susan Peacecock	P	P	P	P	X	X	X	X	X	X	X	X	X
Craig Sanden	AE	P	P	P	X	X	X	X	X	X	X	X	X
Brian O'Heron	N/A	N/A	N/A	N/A	N/A	P	P	✓					
Scott Eisenlohr, W.A.	P	P	A	P	AE	AE	AE	✓					

Legend: P = Present
A = Absent
AE = Absent Excused

* S. Anderson was sworn in before 4/22 mtg. Was not attended or picked up packet.