

Town of Winchester
INLAND WETLANDS & WATERCOURSES COMMISSION
Minutes of Regular Meeting
June 17, 2009

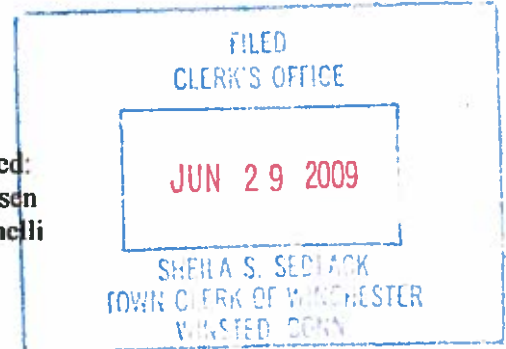
The regular meeting of the Inland Wetlands & Watercourses Commission met in the P. Francis Hicks Room, 2nd Floor, Town Hall, 338 Main Street, Winsted and was called to order at 7:03 p.m. by Vice Chairman Waring. The roll was called:

2. Roll Call:

Present:

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

Absent/Excused:
Sherrie Andersen
Stephen Molinelli
Tim O'Meara



3. Approval of Minutes

Motion made by Commissioner Nalette and seconded by Commissioner Rollins to approve the minutes of May 20, 2009.

Discussion: Commissioner Haburey corrected that he voted opposed to IW09-06, Cappy's Cleaners not in favor as written in the minutes.

All in favor. Abstain: Commissioner Rollins. Motion passes.

4. Agenda Review

The Commission commented that the formatting of the agenda this month was a little confusing but that the content seems to be okay.

Commissioner Nalette would like to add to the agenda under Communications I. Membership according to the By-Laws.

Commissioner Nalette would also like to add under Communications J the letters to Craig Sanden & Sue Peacock.

Chairman Waring confirmed with Agent Eisenlohr that Item 5. Election of Officers was not removed from last month but that it is not an item for this evening since elections were last month.

- A. **Application #IW09-02 Decision on Public Hearing**
Application #IW09-02
Applicant: Stevie B. Cyr
Location: 222 South Road
Map: 42 & 43, Blk: 154, Lot(s): 21EE Zone: RU-3.
Proposal: Subdivision of 17.917 acres into 3 single family building lots.

Vice Chairman Waring said that they were given this evening a copy of the letter from TAHD stating that the plan on this application is in compliance.

Agent Eisenlohr said that the plan referenced in the Motion for Approval is the latest plan that had all of the revisions as discussed.

Motion made by Commissioner Rollins and seconded by Commissioner Nalette to APPROVE Application #09-02, 222 South Road. Proposal: Subdivision of 17.917 acres into 3 single family building lots. Per Site development, grading and soil erosion plan revised 4'13-09 by Berkshire Engineering LLC

*Map: 42 & 43, Blk: 154, Lot(s) 21EE, Zone: RU-3, based on oral and written testimony.
Conditions 1-12 are standard Inland Wetland Commission conditions.*

13. *Cash Erosion and Sedimentation Bond of \$1,000 be submitted to the Inland Wetland Office before construction begins.*
 14. *Comply with any items in the letter dated 4-13-09 from Northwest Conservation District.*
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Discussion:

Commissioner Nalette said he is uncomfortable with driveway decision being postponed because it affects the coverage area and the overall feeling of the plan. He wanted to know if it can be conditioned on a single driveway. Vice Chairman Waring said that it is going to come down to Planning & Zoning if they approve a double driveway or a single driveway and the applicant has agreed to put in a single driveway if approved by Planning & Zoning. Commissioner Rollins said that it is already there and doesn't need to be conditioned because the application is approved on oral and written testimony. Agent Eisenlohr said that the revised plan shows a single entrance so if they go to two driveways then it has to come back for a modification and if it is approved the bond will go up to \$1,000 per site and modify the conditions to the swale and simultaneous construction of the driveways. There was a brief discussion on one driveway as opposed to two driveways.

All in favor. Unanimous. Motion passes.

B. 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.

Vice Chairman Waring said that the Public Hearing is still open because it was continued from Monday evening.

Jason Dismukes, Engineer was present for the applicant this evening. Mr. Dismukes said that he is submitting copies of the revised drainage calculations and it will go to Mr. Trinkaus for review and he said that they would like to get the comments back before they start issuing changed plans.

Commissioner Rollins asked if the compensatory storage area is going to be accessible from the other side. Mr. Dismukes said yes because if it were on the other side they would have to drive out into the road and they don't want to do that.

Commissioner Rollins said he does not like the fact that they are going to strip the whole area of land to just replant it again. Mr. Dismukes said that the numbers work out. It is about a 5,000 yard fill on the site and they are taking about 4,500 yards from the compensatory storage areas. He says that he cannot answer if it makes sense to take it from the site or to haul it in from someplace. Commissioner Nalette said that he is not sure that it is necessarily a bad thing. It is a temporary impact and they are going to replant it with wetland appropriate things. You don't know what you are getting when you import soil and this is site specific. Commissioner Rollins said that he just wanted it out there so that they may be able to think of alternatives.

Mr. Dismukes asked that they talk to Sean Hayden on this because he thinks it may make it clearer. Agent Eisenlohr asked if the Commission wants Mr. Trinkaus to review the revised set of plans. Vice Chairman Waring said that he was of the understanding that Agent Eisenlohr was already sending the plans to Mr. Trinkaus. The Commission agreed. There was a brief discussion on how to proceed and it was agreed that the final set of plans and the conditions will include the reviewing comments and subsequent conditions based on those.

Motion made by Commissioner Nalette and seconded by Commissioner Rollins to table discussion pending further review by the outside engineer, Steven Trinkaus, to the meeting of July 15th .

All in Favor. Unanimous. Motion passes.

C. 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 said that the applicant said that he could not be here tonight but that Agent Eisenlohr could answer any questions that the Commission may have. It was clarified that this is a new application.

Vice Chairman Waring said that it is obvious that the docks and boatlift are existing but around the personal watercraft area where he says it is 10' wide x 9' long looks like he has another entire dock area

put up around it. He doesn't know if that is the case and also out in the water he has a walkway 3' wide. The measurements were discussed and it appears that it is 16' long. There were calculations done and it was also discussed that based on the rules it appears that a PWC must be attached to a wall or the existing dock because he doesn't have enough frontage to put a second dock. After discussion Commissioner Haburey said that if he eliminated a walkway and fastened it to the shoreline he would be fine. The Commission agreed. Agent Eisenlohr will double check all of the measurements for the Commission and bring the information to the applicant. Commissioner O'Heron suggested that there be a simple set of rules for this type of application so that the applicant can comply in the original application.

Motion made by Commissioner O'Heron and seconded by Commissioner Rollins to accept application #IW09-09.

All in favor. Abstain: Commissioner Kiely. Motion passes.

6. OLD BUSINESS

- A. Application #IW09-05
Applicant: Lloyd "Skip" Daigle
Location: 353 E. Wakefield Blvd.
Map: 032, Blk: 105G, Lot(s): 001-10, zone: HLD
Proposal: Expanse length of dock

Chairman Waring said that this is a modification. The main dock is being reduced from 25' long from 24' feet long and the platform area at the end will go from 10' x 10' to 10' x 12' resulting in a 1' longer dock overall. Commissioner Rollins said that 10' x 10' is the longest they allow. Agent Eisenlohr said that he is going to 12' on the length and it is being added to the overall length. He is still going to be below the 40' overall length. He will be going from the 35' that was approved last month to 36'. Commissioner Haburey said that it is the way the sections are being installed.

Motion made by Commissioner O'Heron and seconded by Commissioner Rollins to approve application #09-05 modification, 353 E Wakefield Blvd, Proposal: Expand 10' x 10' to 10' x 12' aluminum float, 4' x 25' walkway to a 4' x 24' walkway, with total length of 36' long as compared to the old approved length of 35 long. Map: 032, Blk: 105G, Lot(s) 001-10, and lake front lots 339 & 340, zone: HLD, based on oral and written testimony. Conditions 1-12 are standard Inland Wetland commission conditions;

- 13. Cash Erosion and sedimentation bond of \$0 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. Complete DEP form before works begins or Inland Wetland approval will not be mailed*
- 17. New Proposed dock length complies with Ordinance Sec. 162.*

All in favor. Unanimous. Motion passes.

B. Application #IW09-07
Applicant: Frank J. Mairano
Location: 628 East Wakefield Blvd.
Map: 038, Blk: 107, Lot(s): 001, Zone: HLD
Proposal: Install a seasonal floating Dock for two personal watercrafts.

Agent Eisenlohr said that this is for a jet ski lift and there are no legs and it is going to float. He further stated that there were two drawings and that there were two shoreline measurements so he went with the lower number. Agent Eisenlohr suggests that two Commission members measure & map the location of the proposed wall and dock for future reference.

Motion made by commissioner Nalette and seconded by Commissioner Rollins to approve Application #09-07, Map: 38, Blk: 107, Lot(s) 001 Zone: HLD, based on oral and written testimony. Conditions 1-12 are standard Inland Wetland Commission conditions.

13. Cash Erosion and Sedimentation Bond of \$0be submitted to the Inland Wetland Office before construction begins

The location of the proposed 2 personal watercraft (pwc) float, and aggregate width of all structures/objects using an 80' shore line per plan, complies with Ordinance Sec. 162.

15. Inland Wetland Agent and 2 Inland Wetland Commission members measure & map location of proposed wall and dock support before any work begins.

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

17. Excavating in water not allowed.

18. Complete DEP form before works begins or Inland Wetland approval will not be mailed.

All in favor. Abstain: Commissioners Kiely and Waring. Motion passes.

9. Agent Determinations

Application #IW09-10
Applicant: Mary Trefry
Location: 358 East Wakefield Blvd
Map: 032, Blk: 105, Lot(s): 68D, Zone: HLD
Proposal: construct an 11' x 24' addition to the existing house.

Agent Eisenlohr said that this is an approval that the contractor put an addition on the house and he came to 99 feet from the lake. Agent Eisenlohr presented the plans to the Commission and said that he was out there and looked at this. It is a steep slope. Agent Eisenlohr wanted to remind the Commission that he brings the Agent Determinations to them because they do have the authority to reverse the decision if they deem necessary.

The Commission had no problem with the determination.

10. Warnings

None.

11. Violations:

These are still waiting for the deep draw. Agent Eisenlohr said that he is going to send them each a letter to make sure they get their applications for this to get them in ahead of time before the deep draw. He further stated that he isn't sure there is much they can do about Item A: the four 3' diameter concrete piers in the Lake. He will send him a letter telling him to get in his application to remove them immediately or cut them off at the lakebed level. There was discussion on whether they were 1' or 3' diameter. They were installed without the permit and were farther out from the shore. Agent Eisenlohr said that Item B: O'Connor is not in compliance and should be informed that if they are not going to do something that they need to take everything out because this has been on the violation list for three years.

12. Communications & Bills

A. Chairman's Report

Vice Chairman Waring had no report.

B. Inspection of Highland Ridge Estates

There is no new information on this. The letter was in last month's packet. They wanted their bond back so Agent Eisenlohr got a harvester of his choice to inspect the site.

C. Gary D'Angelo – 322 W. Wakefield Blvd.

Vice Chairman Waring said that there is a letter from Mr. D'Angelo dated 6/15 which addresses each of the conditions of his two year extension. It was verified by Agent Eisenlohr that the silt sack that was missing was taken by Public Works because it was full and that he instructed Mr. D'Angelo to maintain the silt sack so that this does not happen again. It was verified that the bank was seeded and hayed and even though the hay is eroding he has done the best job he can do at this point.

D. Inland Wetland Minutes 5/20/09

E. Planning & Zoning Meeting Minutes 5/11/09

F. Planning & Zoning Minutes 5/26/09

G. Zoning Board of Appeals Minutes 5/19/09

Items D through G are for Commission information.

H. Clerks Hours

Motion made by Commissioner Nalette and seconded by Commissioner Kiely to pay the Clerks Hours.

Unanimous. Motion passes.

I. Membership according to By-Laws:

Commissioner Nalette said that he was reading the By-Laws for IWC for Commission membership and that there is a Town Ordinance that any member absent without excuse for 3 consecutive meetings or 4 meetings in a calendar year be deemed resigned. He said that he is unclear of status of Sherrie Andersen.

Motion made by Commissioner Nalette to consider Commissioner Andersen resigned and start looking for a replacement. There was no second.

Agent Eisenlohr said that he spoke to someone today who said that she is ill and may not be able to make the meetings and that he will send her a letter and ask her to let the Commission know what she is going to do. Vice Chairman Waring said to also send the Commission's best wishes. The Commission agreed.

Commissioner Nalette withdrew his motion.

J. Letters to Craig Sanden and Sue Peacock

Commissioner Nalette has penned letters to Susan Peacock and Craig Sanden thanking them for their service and work on the Commission. He requests that they be put on wetland letterhead and if the Commissioners stop in during the month they can sign personally so they can be sent out. The Commission agreed.

Vice Chairman Waring requested that Agent Eisenlohr make sure that the Commission members are better informed of the meetings by e-mail.

13. Adjournment

Motion made by Commissioner Nalette and seconded by Commissioner Rollins to adjourn the meeting at 8:09 p.m.

All in Favor. Unanimous. Motion Passes.

Respectfully submitted,



Clerk, Anna L.

