

Town of Winchester  
INLAND WETLANDS & WATERCOURSES COMMISSION  
Minutes of Regular Meeting  
May 20, 2009

The regular meeting of the Inland Wetlands & Watercourses Commission met in the LeeAnne LaClaire Room, 2<sup>nd</sup> Floor, Town Hall, 338 Main Street, Winsted and was called to order at 7:02 p.m. by Chairman O'Meara. The roll was called:

**2. Roll Call:**

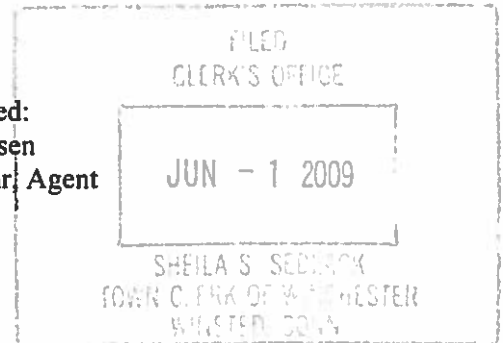
**Present:**

Tim O'Meara  
Ric Nalette  
Stephen Molinelli  
Robert Haburey

Christopher Waring  
James Rollins, Jr. (7:17 p.m.)  
Chris Kiely  
Brian O'Heron

**Absent/Excused:**

Sherrie Andersen  
Scott Eisenlohr, Agent



**3. Approval of Minutes**

*Motion made by Commissioner Nalette and seconded by Commissioner Molinelli to approve the minutes of April 22, 2009.*

*All in favor. Abstain: Commissioner O'Heron*

**4. Agenda Review**

Chairman O'Meara added under Communications Item I: Discussion on Tatro's Pond, Item J: Sandy Drive Three for clear cutting and Item K: Shore Drive modification.

Commissioner Nalette added under Other Business: Discussion of official thank you to Sue Peacock and Craig Sanden for their work on the Commission.

**5. Election of Officers**

The Commission discussed and will postpone elections until Commissioner Rollins is present which should be shortly before the Public Hearing. Chairman O'Meara moved to Old Business.

**7. Old Business**

- A. Application #IW09-04**  
**Applicant: Sandra Pier**  
**Location: 103.5 Blue Street**  
**Map: 035, Blk: 157, Lot(s): 007B, Zone: R-2.**  
**Proposal: Floating Dock**

Dennis Dressel was present to represent Sandra Pier. The Commission discussed that this was a clear cut application.

**Motion made by Commissioner Nalette and seconded by Commissioner Haburey to approve Application #09-04, 103.5 Blue Street, Proposal: Floating dock, Map: 035, Blk: 157, Lot(s): 007B, Zone: R-2**

**Conditions 1-12 are standard Inland Wetland commissioner 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 lakebed at any time.**
- 15. Excavation in water not allowed.**
- 16. The use of dock legs with pads to sit on lakebed allowed.**
- 17. Dock location, size of structure meets requirement of Ordinance 162.**

Discussion: The Commission asked Mr. Dressel the distance to the property line. Mr. Dressel said that it is 35 feet minimum. It was confirmed that there was no excavation planned and the dock will be tied into the existing cement block on shore. There will be no cash bond required.

**All in favor. Abstain: Commissioner O'Heron. Motion passes.**

**B. Application #IW09-05  
Applicant: Lloyd "Skip" Daigle  
Location: 353 E. Wakefield Blvd.  
Map: 032, Bld: 105G, Lot(s): 001-10, zone: HLD  
Proposal: Expand 8.5' x 10 dock to 10' x 10' wood to aluminum. Request PWC (Jet Ski) float.**

Mr. Daigle was present and submitted a neater map and said that he pushed the personal watercraft onto the north side of the dock. He said that before it was on the south side so there may have been a question on the littoral boundary so he moved it. He said that there was also a discussion if he could expand the 8 ½ x 10 to 10 x 10. He said that if approved he can add 2 feet to the front or to the back. Commissioner Molinelli said that adding 2 feet into the water that he would have to be concerned with the maximum boundary. Mr. Dressel said that he would then come east. He further said that the dock is existing and they just want to upgrade and Agent Eisenlohr said that if he could he can expand it from 8 ½ x 10 to 10 x 10 and he could go back two feet and he wouldn't go out any further. Instead of a 25 foot run he would only go out 23 feet.

Commissioner Nalette said that one of the things that the Commission was discussing is that on the map it shows the dock on the 339 and asked if 340 also his property. Mr. Daigle said yes, they have both lots and it is in the deed as one. Commissioner Nalette said that the new location of the jetski fits in the littoral boundary but that the other thing they should be concerned about is enclosing the waterfront. He said that he may recommend instead of going to the left of the dock parallel that he put it to the right of the dock where he has it but parallel. Mr. Daigle said that the kids jump off the dock and asked if he could possibly put it on the right hand side of the property extended from the retaining wall. After discussion it was decided that a condition should be that Agent Eisenlohr and two Commissioners go out and determine the location on site.

*(James Rollins arrived at 7:17 p.m.)*

**Motion made by Commissioner Nalette and seconded by Commissioner Molinelli to approve Application #IW09-05, 353 E. Wakefield Blvd, Proposal: Expand 8.5' x 10' dock to 10' x 10' wood to aluminum. Request PWC (Jet Ski) float. 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 work begins or Inland Wetland approval will not be mailed.*
17. *Inland Wetland Agent and two Commissioners to meet with the property owner to determine that the Jet Ski location complies with Ordinance Sec. 162*

*In favor: Commissioners Molinelli, O'Meara, Nalette and Haburey. Abstain: Commissioners Rollins, Kiely and O'Heron. Motion passes.*

- C.     **Application #IW09-06**  
          **Applicant: Cappy's Cleaners**  
          **Location: 57 Main Street**  
          **Map: 111, Blk: 074, Lot(s): 002A Zone: CB-2.**  
          **Proposal: Excavation of contaminated soil, backfill and replacement of asphalt.**

John Moss, TRC is representing the applicant this evening. Chairman O'Meara said that at the last meeting they had a question on support of the wall during excavation and excavating contaminated material away from it.

Mr. Moss said the proposal is to remove as much impacted soil as practical, possible and safe and preserve the structural integrity of the wall. The excavators usually maintain a one to one slope and their intention is to go as close as possible and slope back with a one to one slope with the purpose of not impacting that wall at all. At the same time they have a proposed use of a flowable fill material as opposed to a backfill material.

Mr. Moss said that the one to one slope will be against the wall and also against the property boundary near the CVS. He showed on the map that in one area there is no retaining wall but they don't want any caving in of the soil. In an ideal world they would like to go vertical and remove to verify and assure that they are removing all impacted soil but in reality there are structural concerns. They will be collecting confirmatory samples from those areas.

Chairman O'Meara asked if they find highly impacted soils in there then will be going up against the wall. Mr. Moss said that initially they would not be able to because the only way they would be able to do that would be to go back and jeopardize the wall. There are other remedial options that could be explored such as injection technologies to enhance the natural degradation. He said that if it turns out to be other residual impacts then they will have other remedial methods to deal with that.

Commissioner Rollins asked if they can have a shovel man and go up to that wall. Mr. Moss said that he is not sure of construction of the wall. It depends on what that is. Chairman O'Meara said that his concern is that area is contaminated right up to the river and even if it is they will just leave it alone and also not go onto the neighboring properties. Commissioner Haburey said that his understanding is because it's voluntarily being done. Mr. Moss said that is true. It is voluntarily being done and they do not have direct oversight by the DEP. On a smaller site such as this it is assigned to a licensed environmental professional who is Sarah Trombetta. So the DEP has put responsibility of achieving the remedial goals to her and at the end of the day she is ultimately responsible for verifying the complete remediation to meet the State standards at this site.

Commissioner Haburey asked if the wall has been tested. Mr. Moss said no. First because it's made of stone and/or stone and concrete and both of those materials are not regulated materials by the State. And also based on their conceptual model and the method of how the materials are impacted they have no

reason to believe that the wall is impacted. The groundwater on this site has minimal to zero impact. It is in the shallow soil and it is covered with asphalt so there is not rain percolating down through the soil mobilizing it. At this site it is not a mobile contaminate.

Commissioner Nalette said that his biggest concern is not removal of soil but the wall. The wall is old and not in the best of shape and any type of work might affect and collapse that wall or a piece of that wall. He suggested that by taking a large bond the Commission can cover whatever happens. However in that case the Army Corps of Engineers would have to be involved and that takes forever.

Mr. Moss said that he spoke with Todd Parsons at Lenard Engineering because they are involved with the wall reconstruction at the Scasco property but he doesn't have direct knowledge of this site. Mr. Parsons thought is that it is a different construction and that he believes Scasco is constructed of loose blocks and stones as opposed to this wall which he believes has more of a concrete matrix.

Commissioner O'Meara said that what the Commission should condition is a construction sequence prior to the start of the project, a method to restrain the wall and protection of neighboring properties while work is being done mostly to the river but no one coming in from the CVS property. Mr. Moss said that they have temporary fencing and property boundaries to impede pedestrian traffic. It is not presented in the proposal but has been presented by the contractors and it has been included in their estimates for the project work.

There was discussion on excavating and methods of excavating and the dependence of the type of construction that the wall may be.

Commissioner Haburey asked what they are going to do if it is visible that the contaminate is into the wall. Mr. Moss said that they are not going to chase it due to preserving the structural integrity of the wall. It will be documented with photos and notes and sampling and if they are elevated levels then they will explore other remedial options.

Tony Cannavo was in the audience and gave a brief history of this site. He said that on the southwest corner of the property there was a firehouse that sat on the wall and to the east of that firehouse there was a house that more than likely had a cellar so he believes it might be better constructed than thought.

Mr. Moss said that they plan to do the project if approved as soon as they determine which contractor they are going to use.

There was discussion on bond and the possibility of taking a performance bond for the purpose of the retaining wall if there are problems. Commissioner Rollins said that the E & S bond will be minimal because there is nothing to wash away. They are taking up material and it is immediately being taken off site. He said that a silt sack can be put in catch basin and some hay bales. He further stated that he is not sure a performance bond is within their purview. It was agreed that this should be clarified.

***Motion made by Commissioner Nalette to table application until Commission has input from Town Attorney. There was no second.***

Commissioner Molinelli suggested that they make a motion to approve the project subject to putting on a cash bond subject to Town Attorney opinion if the Commission is allowed to condition this. Otherwise they will be delaying this another month and the project can move ahead once they have that opinion. It was discussed that the project needs to be done and the applicant has a lot more incentive to avoid any damage or cave in on the wall because it would be much worse for them and require additional expense, work and permitting. The Commission agreed that this will not be conditioned.

*Motion made by Commissioner Rollins and seconded by Commissioner Kiely to approve application #IW09-06, 57 Main Street, Proposal: Excavation of contaminated soil, backfill and replacement of asphalt. Map: 111, Blk: 074, Lot(s): 002A Zone: CB-2 based on oral and written testimony. Conditions 1 – 12 are standard Inland Wetland Commission conditions.*

*13. Cash Erosion and Sedimentation Bond of \$2,000 be submitted to the Inland Wetland Office before construction begins.*

*14. Copy of any report claiming site is clean for IW records.*

*15. Exclusionary fencing to be installed at perimeter of excavation for the duration of the project.*

*16. Construction sequence prior to work being done be submitted to IWWC.*

*All in Favor. Abstain: Commissioner O'Heron. Motion passes.*

Chairman O'Meara moved on to Election of officers:

## **5. Election of Officers**

Commissioner Nalette suggested that Commissioner Rollins Chair for the election. Commissioner Rollins was seated as Acting Chair for the election.

*Commissioner Rollins nominated Commissioner Tim O'Meara as Chairman. Seconded by Commissioner O'Heron.*

Acting Chairman Rollins called three times for other nominations for Chairman. There were none.

*All in Favor. Abstain: Commissioner O'Meara. Commissioner O'Meara was elected Chairman.*

*Commissioner Rollins nominated Commissioner Chris Waring as Vice Chairman. Seconded by Commissioner Nalette.*

Acting Chairman Rollins called three times for other nominations for Vice Chairman. There were none.

*Unanimous. Commissioner Waring was elected Vice Chairman.*

*Commissioner Rollins nominated Commissioner Nalette as Secretary. Seconded by Commissioner O'Meara.*

Acting Chairman Rollins called three times for other nominations for Secretary. There were none.

*All in Favor. Abstain: Commissioner Nalette. Commissioner Nalette was elected Secretary.*

Commissioner Rollins stepped down as Acting Chairman and Commissioner O'Meara took seat as Chairman for the remainder of the meeting.

6. **PUBLIC HEARING 8:00 P.M.**

A. **Application #IW09-02 Public hearing continued:**

**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.**

***Motion made by Commissioner Nalette and seconded by Commission Molinelli to reopen Public Hearing. Unanimous. Motion passes.***

Dennis McMorrow, Berkshire Engineering representing Stevie Cyr. He wanted to continue with a few items that Commission wanted them to revisit. The largest one being the use of a common driveway. He went back through and there is nothing in Zoning Regulations to permit it so he went to talk to the Zoning Enforcement Officer, Marc Melanson and he questioned him if they could use a common driveway in Winchester. His response was normally not. Mr. McMorrow continued that since it is normally not so it still leaves the door open and it would be up to the Planning & Zoning Commission. He has modified the note on the plan regarding the single driveway if allowed by the Planning & Zoning Commission. If allowed through P & Z they are committing to do it. He said that the Commission could make a possible recommendation in their approval to P & Z that they prefer a single drive. Commissioner O'Meara said that for the record there is an approved subdivision less than a mile from this property that has multiple common driveways.

Mr. McMorrow said that they have a note on the location of underground utility trench. It was not shown on the plan because the plan is so tight so they put a note.

Mr. McMorrow said that he was asked to look at doing plantings where there is clearing close to the wetlands. He spoke to Sean Hayden and was sent a list of shrubs that would work well in that situation and they selected the high bush blueberry for in there and they will pick a couple others from the list. He showed on the map where they have added these plantings.

Mr. McMorrow said that he has information regarding last month's questions from the audience. He gave the Commission a letter from Bob Smith from TAHD stating that he was on site when they were doing the soil testing on this property with Mr. McMorrow in November of 2008. Mr. McMorrow said that they have since sent down a package of plans to him for review because they do need both IWC approval and TAHD approval before going to Planning & Zoning.

Commissioner Nalette asked what borders the rear of the property, is another way to access site. Mr. McMorrow said no there is no other way to access it is some type of field back there.

Chairman O'Meara called for Public Hearing.

*Phyllis Monroe asked if this application pertained to the PCNK application. She was told no.*

Ed Bissell: 226 South Road:

*Mr. Bissell said that he wants to question if there has to be perc testing before they approve.*

Commissioner Rollins explained that the perc testing needed to be done before they could even design it and that the perc testing is already done. The engineer does the perc test and the sanitarian observes the deep holes. The engineer reports back to the sanitarian the results of the perc tests.

*Mr. Bissell said that he was under the impression that he only tested the soil and there was no additional testing done. He was told that perc testing is only good for 3 years.*

Mr. McMorrow said that when they do soil testing it's a combination of deep holes and perc tests. TAHD observes the soil testing and after the pits are closed they go back and do the additional perc testing and they cannot make a design without those being done.

Leonard Anstett: 2 South Road:

*Mr. Anstett wanted to know the steps for approval for a subdivision.*

It was explained that the design has to be submitted to IWC and TAHD before it goes to Planning & Zoning.

*Mr. Anstett wants to know how can approve this because there is no approval from TAHD that this will support a septic system and that they only looked at soil and at what depth. He further stated that TAHD has no reports on this.*

It was explained that the Commission can approve it several ways. They can approve it with a condition that it satisfies all the requirements of TAHD so that in the event he doesn't get that approval then the IWC approval is null and void or they can wait until it has been approved by TAHD and assuming it meets all of the other IWC requirements they can approve it. They have a strict mandate of what they can and cannot look at.

*Mr. Anstett said that he has other question on wetlands. This site is always wet. He feels they are drawing a thin line between wetlands and wet land. Where do they draw the line because to him it's wet all over.*

Commissioner Rollins said that he did go out with the soil scientist and basically there is a difference between wet and wetlands. Mr. Hayden showed him the indicators in the soil that prove where there is a wetland and where there isn't. He said that even though it's wet so often and it's a woodbridge soil very similar in nature but does not allow them to have jurisdiction over.

*Mr. Anstett asked who's to say it's going to happen and if these engineers are going to follow through on this plan.*

Commissioner Rollins explained that this is a feasibility approval stating that these two properties that they are proposing are feasibly developable. Before someone comes in to construct they must construct something that is exactly like this plan. If they want to change anything they must re-engineer and come back for approval. This is just stating a way to make these lots developable. Chairman O'Meara said that they also have to go back to TAHD. Mr. McMorrow has to submit a septic design for each lot so it will be a more detailed plan for each parcel. TAHD is the one that says what they put in and that's how they ensure it's built accordingly.

Mr. McMorrow said that for the record Mr. Hayden was very comfortable with the delineations of the soils. Commissioner Rollins said that Mr. Hayden stated that they were very generous in calling some things wetland that aren't really wetlands.

Commissioner Rollins asked for the test data. Mr. McMorrow pointed this out.

Chairman O'Meara said that a letter was submitted today. *He read the letter into records stating concerns for the wildlife and birds and clearing as submitted by Karen A. Anstett.*

Commissioner Nalette addressed this letter saying that these are reasonable concerns. He further stated that one thing the IWC has discovered is that they are handcuffed by State regulations and are allowed to protect the swamp but not the animal itself. He understands the concerns however the largest proportion of the property shall be maintained in its natural state and the amount of clearing is not significant to the size of the property. Further, regulations do not allow them to control saving the birds.

Chairman O'Meara called for further Public Comment. There was none.

Mr. McMorrow had no additional information.

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

*Unanimous. Motion Passes.*

Commissioner Rollins said that before a vote he would like to address the approval of the TAHD. After discussion it was decided that they would like the TAHD approval before the next meeting when the IWC will vote on the applications.

*Motion made by Commissioner Nalette and seconded by Commissioner Rollins to table the vote until information they are waiting for arrives.*

*Unanimous. Motion passes.*

- B. Application #IW09-03**  
**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 open the Public hearing.*

Discussion:

Commissioner Rollins said that before they take the vote he wanted to make sure that they have all of the certified mailings. Mr. Dismukes had certified mailings. Chairman O'Meara said that there was a question on the Riverwalk Condominiums. Chairman O'Meara said that the Town attorney is reviewing the issue with the mailings. It was brought to their attention that the mailing to the condominiums was only to the Association and not that of the individual condo owners. Mr. Dismukes said that the condo structures are more than 300 feet from the parcel and that the land around the unit owned by the Association is within the required distance so he notified the Association. Chairman O'Meara said that it

is his understanding that when a person owns a unit then own part of the property. Mr. Dismukes said that this depends on how it is deeded. He further stated that in Assessor's office no one is deeded land and they are assessed on the unit and not on any land and on the property cards all the units have zero land.

Chairman O'Meara said that he feels the Commission should err on the side of caution until they have an opinion from the Town Attorney. *Commissioner Nalette said that he will withdraw his motion while waiting on opinion from the Town Attorney.*

It was discussed that once the Public Hearing is open it can continue to be open but that they cannot open the hearing without all notifications being sent out. It is a technicality with not all of the people being notified. The Commission agreed that they should not open the public hearing.

Valerie Sugerak wanted to speak to the Commission and said that her letter was addressed to her property address of number 120. This application in front of the Commission is the same address as her address. Mr. Dismukes said that it is the address on the Assessor's information. She said that her property is 120 and all Town records say that her property is 120 and her mailing address is 120. She said that when Lenard Engineering did the engineering on her property when it was split her land is number 120 and her approvals were all under 120.

Mr. Chabot of PCNK spoke and said that all of their records say 118 to 126 and he has consulted Charlie Karno and it is being worked on at this time. The Title search showed that the property before it was split was 118 through 126 and when Lenard Engineering did all of the plans they got in touch with the Assessor's office and 120 is her land. Commissioner Molinelli feels the Title company would be a defining document as to this kind of an issue. Mr. Chabot said that it has always been more of an address issue.

Chairman O'Meara consulted the manual on what is legally required on the certified mailing notifications and it reads that in order to open a public hearing that they must ensure that fair opportunity was given to neighboring owners and the Commission feels they may have possibly missed someone.

After further discussion on the mailings, timeframes and the acceptance date of the application and it was decided that the Public Hearing will not be opened and that after the opinion from the Town Attorney the proper certified mailings will be sent and the Public Hearing will again be legal noticed from the Wetlands office.

*Motion made by Commissioner Nalette and seconded by Commissioner Molinelli to bring this application to Public Hearing on June 10<sup>th</sup> at 7 p.m. in a room to be determined.*

Discussion:

It was discussed that the applicant could withdraw the application and reapply with waiving the fee. Mr. Dismukes said that they would like to get this project done before the fall and if they withdraw and reapply then there will be a delay of another month in order to accept the application at the next meeting and then go from there with possible extensions. He would rather give an extension now. It was further discussed that June 10<sup>th</sup> would be a very narrow window in order to get the certified mailings done in the proper time frame.

*John Prukinski: 56 Riverwalk Drive:*

Mr. Prukinski said that they have always been notified on Planning & Zoning Public Hearings as individuals because they are all common owners in the land.

*Commissioner Nalette withdrew his original motion.*

*Motion made by Commissioner Nalette and seconded by Commissioner Kiely to hold a Special Meeting and a Public Hearing for application #IW09-03 on June 15<sup>th</sup>, 2009 in a room to be determined at 7 p.m.*

*Unanimous. Motion passes.*

Mr. Dismukes said that they will grant a 65 day extension.

Phyllis Munroe: 44 Riverwalk Drive:

Ms. Munroe had questions and comments and was instructed by Chairman O'Meara that she will have an opportunity to give comment and ask questions when the Public Hearing is opened on June 15<sup>th</sup>.

### New Business

- A. *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.*

Frank Mairano was present for his application this evening. Mr. Mairano said that they want to install a seasonal jet dock in place for two personal watercrafts. Commissioner Nalette asked how this float will be attached to the stone wall. Mr. Mairano said that it basically sits on four posts that sit on the bottom drive pipes like a swim float. Commissioner Nalette asked if it will be removed during the winter and the poles will be taken out as well. Mr. Mairano said yes.

*Motion made by Commissioner Nalette and seconded by Commissioner Molinelli to accept application #IW09-07.*

Discussion: Commissioner Rollins said that his application is a proposal for installing personal watercraft float but on drawing it is showing repairing an existing pier. Mr. Mairano noted that it is an existing permit to rebuild the dock but that he needs a deep drawdown. Mr. Mairano said they are 20 inch modules that snap together and it can be reduced in 20 inch increments in either direction. It is designed for the ability to walk on either side of the unit. If it is felt it is too wide it can be reduced by 20 inches. Commissioner Molinelli asked if the property line was staked if any Commissioners were to go out. Mr. Mairano said that there is an iron pipe on the line where the neighbors were surveyed. He will put a few range stakes in for their information but it is perfectly clear where the property lines are.

*Unanimous. Motion passes.*

Commissioner O'Heron said that these are the kinds of things that Agent Eisenlohr should go over before the applications come to the Commission so that it is all set for the Commission. There could possibly be a checklist for each application. Commissioner Rollins said that as a rule he does go over these things with the applicant but they don't always listen to what he says and want to present their application anyway.

- B. Application #IW09-08**  
**Applicant: Frank Yeary**  
**Location: Grantville Road**  
**Map: 19, Blk: 156, Lot(s): 23-2 Zone: RU-1/RU-3**  
**Proposal: Extension of Inland Wetland Permit IW03-70**

Ron George, Engineer was present for this extension request for Mr. Yeary. They would like to extend the wetlands permit. They have put in the driveway and all of the drainage associated with it and the driveway is paved. All that is left is the house and the septic. With the economy he is a little hesitant and will not be doing anything this year so he would like an extension.

***Motion made by Commissioner Nalette and seconded by Commissioner Rollins to approve application #09-08, Grantville Rd., Proposal: Extension on Application #03-07, Map: 19, Blk: 156, Lot(s) 23-2, Zone: RU-1/RU-3, based on oral and written testimony.***

Discussion:

Commissioner Molinelli wanted to know if any rules or regulations have changed since the original approval does it have any impact on this extension. The answer is no.

***Unanimous. Motion passes.***

**8. Other Business**

Chairman O'Meara said that he would like to welcome Brian O'Heron to the Commission.

Commissioner Nalette said that it has come to his attention that not only have Sue Peacock and Craig Sanden not received any public acknowledgement from the Board of Selectmen for their years of service but have not been told they are no longer needed on the Commission.

***Motion made by Commissioner Nalette and seconded by Commissioner Rollins to draft a letter of thanks to Sue Peacock and Craig Sanden for their service on the Commission.***

Discussion:

It was agreed that Commissioner Nalette will draft this letter and it will be brought to the next meeting to have all Commission members sign. Also, Chairman O'Meara will make phone call regarding notifying them they are no longer on the Commission.

***Unanimous. Motion passes.***

**9. Agent Determinations**

None.

**10. Warnings**

None.

**11. Violations:**

These are still waiting for the deep draw.

12. **Communications & Bills**

A. **Chairman's Report**

B. **Inspection of Highland Ridge Estates**

Chairman O'Meara said that in the packet there is an inspection report of Highland Ridge Estates. It states that someone should walk it again in May and they should request that.

K. **Sandy Drive Three clear cutting**

Chairman O'Meara said that D'Addeo has spoken with Agent Eisenlohr because he wants to put a container on Kingsbury Road where they denied a walking path. Agent Eisenlohr wanted the Commission's opinion regarding this. Chairman O'Meara said that the Commission will recall that they requested that Mr. D'Addeo replant the wetland when they denied the pathway and nothing has been done. He further stated that he doesn't know what the Zoning Regulations are on storage containers but told Agent Eisenlohr that Mr. D'Addeo should submit an application. The Commission agreed.

On the D'Angelo property nothing has been done. The silt sack is no longer in there. Chairman O'Meara said that he has contacted a contractor but that the contractor has not been hired. Chairman O'Meara said that he reminded Agent Eisenlohr that Mr. D'Angelo needs to send them a letter regarding what he is doing and what has been completed and this needs to happen before the next meeting. He was supposed to have sent a letter before the last meeting. There was discussion on placing a Cease & Desist or possibly taking his bond in order to complete this clean up. The conditions of the extension recently granted were reviewed and the only thing he has taken care of was submitting the extra bond money.

*Motion made by Commissioner Nalette and seconded by Commissioner Molinelli to release the bond money to the appropriate agency to deal with the issue.*

Discussion: There was discussion on what the liability is to the Town if they go in to clean this up. The Town right of way and charging Mr. D'Angelo's bond for the Town's clean up was discussed.

*Unanimous.*

D. **A.P.E.L.E.T.S.**

This is from last meeting.

**Items E through G are for Commission information.**

H. **Clerks Hours**

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

Unanimous. Motion passes.

**I. Discussion on Tatro's Pond**

Chairman O'Meara said that Town Manager Keith Robbins approached Agent Eisenlohr about volunteers doing work to rebuild the dam and overflow at Tatro's Pond. The Town does not feel that they need to apply. It was discussed that because even though it is a Town function they are still working with the wall and the water and fish, etc. Commissioner Nalette asked if the Army Corp of Engineers have to be involved with a dam reconstruction and that is correct. The Town tried to get a grant for this work but the grant wasn't approved so volunteers are going to do it. The Commission agrees that the Town needs to put in an application for this work.

**J. Shore Drive Agent Determination**

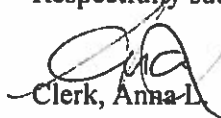
Jim Gagnon on Shore Drive has an approved plan that showed an 8 x 12 wooden platform. He would like to make it 10 x 12 rather than 8 x 12. Agent Eisenlohr wants to know if he can do an Agent Determination on this. The Commission agrees he can.

**13. Adjournment**

*Motion made by Commissioner Nalette and seconded by Commissioner Rollins to adjourn the meeting at 9:20 p.m.*

*All in Favor. Unanimous. Motion Passes.*

Respectfully submitted,

  
Clerk, Anna L.

