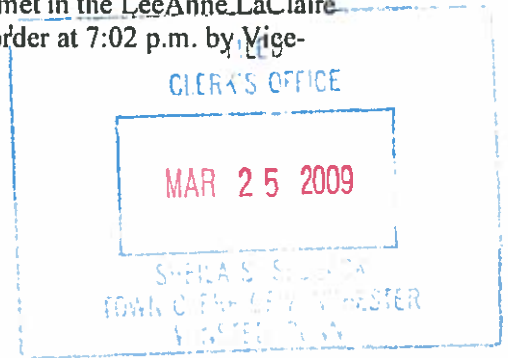


Town of Winchester
INLAND WETLANDS & WATERCOURSES COMMISSION
Minutes of Regular Meeting
March 18, 2009

The regular meeting of the Inland Wetlands & Watercourses Commission met in the ~~LeeAnne LaClaire~~ Room, 2nd Floor, Town Hall, 338 Main Street, Winsted and was called to order at 7:02 p.m. by Vice-Chairman Waring. The roll was called:



2. **Roll Call:**

Present:

Sue Peacock
James Rollins, Jr.
Stephen Molinelli
Agent Eisenlohr

Christopher Waring
Robert Haburey
Craig Sanden

Absent/Excused:

Tim O'Meara
Chris Kiely
Ric Nalette, Jr.

3. **Approval of Minutes**

Motion made by Commissioner Rollins and seconded by Commissioner Sanden to approve the minutes of February 18, 2009.

All in Favor. Unanimous. Motion passes.

Motion made by Commissioner Rollins and seconded by Commissioner Sanden to approve the minutes of the Special Meeting of March 4, 2009.

Discussion: Commissioner Peacock said that there should be a correction on Page 2 under the information regarding Page 27. It should read "ground" water aquifers.

All in Favor. Abstain: Commissioner Molinelli. Motion passes.

4. **Agenda Review**

Agent Eisenlohr would like to add Mountainview of Litchfield. It is a modification of an already approved #07-33. It is less of an impact. Add it as New Business C. Vice Chairman Waring said that since they are the only applicant's present at this point they should hear that first.

**Application #IW07-33 Modification
Nanni Drive/Mountainview Terrace
Map: 104, Blk: 150, Lot(s) 23, Zone: RU-2
Proposed development of ten (10) condominium buildings with 48 units.**

Agent Eisenlohr passed out a small map with calculations. He said that because it is less of an impact, he requested a small map. Bob Signari, Newtown, CT, was present and represents Mountainveiw of Litchfield.

Mr. Signari said that they have eliminated the lower road that came in off Nanni drive. Now there is just a driveway going to the lower building. He said that because there is not an extension of Nanni drive they have eliminated the connector road and two units. They went from 48 units to 46. He said in the previous

layout the impervious cover in acreage was 3.75 and it is now 2.68 which is 20% vs.14% and the area of undisturbed land before was 7.21 acres and now it is 11.45 acres which brings it from 38% up to 61% of undisturbed land.

Mr. Signari said that they rerouted the drainage after meeting with Planning & Zoning. Planning & Zoning wanted them to improve the drainage on Nanni Drive. They are going to put in new catch basins and correct any of the drainage pipe from catch basin to catch basin. They have taken the roof drains from the buildings and run them into recharge units and the road drainage comes down into the new drainage that they will be introducing into Nanni Drive. They have taken away the detention pond and 99% of any runoff that may go down into the Still River.

Commissioner Peacock asked why it was in front of them. Agent Eisenlohr said because it was a sizeable project even though it is less of an impact he wanted the Commission to see it.

There was a discussion on the overview of the plan. The Commission agreed that it appeared to be a significant improvement.

Motion Made by Commissioner Peacock and seconded by Commissioner Sanden to APPROVE New Modification Plan revised 3/6/2009 (Submitted to Planning and Zoning) to Application #07-33, Nanni Drive/Mountainview Terrace originally approved on 12/12/2007 thru 12/12/2012 for a 5 year approval period at which date application will expire.

Proposal: Proposed development of nine (9) condominium buildings with 46 units.

Map: 104, Blk: 150, Lot(s) 23, Zone: RU-2 based on oral and written testimony and subject to the original 20 Conditions of approval. (Attached).

Discussion: Commissioner Rollins asked if any of the conditions are irrelevant now that they have made changes. Agent Eisenlohr said that he reviewed all of them and believe that they all still apply and when the final plan comes in the Engineer will review at the applicant's expense.

All in Favor. Unanimous. Motion passes.

5. Old Business

A. **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.

Agent Eisenlohr said that all he has is a letter from the engineer asking for the application to be tabled. He was not here last month when they had their original discussion on this and he wants to know if the Commission wants a public hearing.

The Commission discussed that they didn't have enough information last meeting and wanted to get out there and see it after the snow had melted. For this meeting they should have had construction limits and limits of clearing to be added to the plan, the possibility of adding an additional catch basin, the possibility of building both driveways simultaneously, approximate amount of regulated area in total on the property, and Sean Hayden, Northwest Conservation District was suppose to look over the property.

Commissioner Peacock said that in the Wetlands Boundary delineation, they talk about serious wetlands on this property and she went over the information in that report.

There was discussion on whether to call for a Public Hearing. Commissioner Rollins was out there with Sean Hayden when he was looking at the property and was checking the soils. Mr. Hayden thought that the delineations were accurate and he went over the different areas with him while they were there. He further said that even the soils that were in the wetland classification were borderline.

Commissioner Sanden asked on what basis they could bring this to Public hearing. Agent Eisenlohr said that because the Commission thinks that there are prudent & feasible alternatives.

Motion made by Commissioner Sanden and seconded by Commissioner Rollins that the Commissioner deem the application of Stevie B. Cyr, IW09-02, 222 South Road, a subdivision of 17.917 acres into 3 single family building lots be subject to a public hearing at the next meeting on April 15th at a time to be determined due to the fact that is significant activity.

All in favor. Unanimous. Motion passes.

Motion made by Commissioner Peacock and seconded by Commissioner Rollins to table application IW09-02 Stevie B. Cyr, IW09-02, 222 South Road, a proposed subdivision of 17.917 acres into 3 single family building lots proposed subdivision to the April 15th meeting.

All in Favor. Unanimous. Motion passes.

6. New Business

- A. **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.

Phillip Chabot, was present representing for the owner. Mr. Chabot said that the Engineer on the project is stuck on a flight and is unable to make this evening's meeting. He said he may not be able to answer any specific questions but does know about the project.

Mr. Chabot said that they have redeveloped the old Danfield Thread building with mixed use for 13 different tenants and are looking to subdivide the property and build another building of 30,000 square foot for tenants on roughly 16 acres.

Vice chairman pointed out that the upper area to the east and asked if it was new disturbance to this project. Mr. Chabot said yes that this is additional flood storage area. It is a form of mitigation. If they fill in flood storage in one area they need to make it up in another area.

Commissioner Peacock asked if it can be table any further discussion to next month in order to meet with the Engineer and ask the questions and have a presentation and have further discussion then.

Mr. Chabot said that all the wetlands are flagged and the environmental impact studies are marked on the maps. Agent Eisenlohr said that Penny Sharpe has looked at this.

It was discussed that moving the flood storage pile from one part of the subdivision to another. Mr. Chabot said that in a subdivision the Law allows them to put an easement in before the subdivision of

the property in order to accomplish this. Commissioner Molinelli asked who can tell them the State Law in order to verify. Agent Eisenlohr said that they can have an outside engineer look at this project for review. It was further discussed that next month after they hear the presentation from the engineer on the project that they can decide if this is significant enough to go to Public Hearing. The Commission also requested that they all have a copy of the large scale maps.

Motion made by Commissioner Rollins and seconded by Commissioner Sanden to accept Application IW09-03, Applicant: PCNK, LLC, Location: 120-126 Colebrook River Road, To Construct 30,000 SF industrial building with parking lot, driveway, storm drainage and utilities.

All in favor. Unanimous. Motion passes.

- B. Application #IW05-40**
Applicant: Harry R. Clark
Location: 162 E. Wakefield Blvd.
Map: 114, Blk: 105B, Lot(s): 123 & 124 Zone: HLD.
Proposal: Modification to permit #IW05-40.

Vice Chairman Waring said that the original request was to demolish and reconstruct and had to go back to ZBA and is now back with a modification.

Vice Chairman Waring asked if plan they are looking at is what is going to be built. Agent Eisenlohr said that it is the current plan and on the plan the distances to Highland Lake on old plan was 50' 9" feet and the current is 49' 6". He said that the biggest modification is the lot coverage which went from 34.9% down to 18.6%. Vice Chairman Waring asked if there would be any changes to the conditions. Agent Eisenlohr said that he left everything as it is in the conditions.

Motion made by Commissioner Rollins and seconded by Commissioner Sanden to APPROVE Modification to Application #IW05-40, 162 E. Wakefield Blvd., request to demolish and reconstruction existing house, application and property of Harry R. Clark originally approved on 6-21-2006 thru 6-21-2011 for a 5 year approval period at which date the application will expire. Map 114, Blk 105B Lot 123 124, Zone HLD as shown plans entitled "Variance Plan, 162 East Wakefield Boulevard, Winchester - Connecticut" prepared by Di Cara Land Surveying Services and dated March 2005 with the latest revision date of 2/09 ("Revise Proposed House/Zoning Table") and based on testimony and subject to the original 14 Conditions of Approval. (Attached to approval).

All in favor. Unanimous. Motion passes.

Agent Eisenlohr pointed out to the Commission that on modifications he is putting the original approval date and when the 5 year approval period ends so that everything is spelled out and there are no questions in the future.

7. Other Business

None

8. Agent Determination

None

9.

Warnings

None

10.

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.

No action at this time. Agent Eisenlohr said that they both need deep drawdown to do their work.

11.

Communications & Bills – Other Business

A. Vice Chairman Report.

Vice Chairman Waring said that last Monday was the POCD meeting. It was a very impressive showing by the IWC and Commissioner Rollins added that it was a very impressive presentation by Vice Chairman Waring on behalf of the Commission. The Commission agreed that they all felt optimistic when leaving the meeting. Commissioners Rollins, Sanden and Nalette all signed up to be on the POCD Committee.

B. 2009 Municipal Inland Wetland Commissioners Training Program

Vice Chairman Waring pointed out the pamphlet that was in the packet and said that segment one is for March & April. Commissioner Rollins said that he believes all members except for Commissioner Haburey have been to segment one. Commissioner Peacock said that the May & June segment looks very interesting and it is in Torrington. Agent Eisenlohr said that there is money in the Commission budget for these programs. Commissioner Peacock said that it would be good if at least one member registered and then reported back to the rest of the Commission. Vice Chairman Waring said that he could possibly be at the May 16th and he will communicate with Agent Eisenlohr so that he can be registered.

C. Assessment of Pollutant Loads and Evaluation of Treatment Systems (A.P.E.L.E.T.S.) software application.

Vice Chairman said that this was a letter that was sent to Agent Eisenlohr and Planner Karno. It is software application that does storm drainage calculations. Commissioner Rollins said that it's only as good as the information that they input. However they often have questions on stormwater runoff management technique and if it's addressing the problem and that would be very helpful. It appears to be a service that Mr. Trinkaus is offering although the brochure says to contact him in order to purchase a copy.

After discussion on the information that they received, Commissioner Rollins said that he will volunteer to call Mr. Trinkaus and ask questions to be better informed on what they are looking at. Commissioner Peacock asked that it be on the agenda next month in order for Commissioner Rollins to update them on what he has learned.

D'Angelo Property: Certified Letter: Update:

Vice Chairman Waring said that the D'Angelo property is not on the agenda but he would like the Commission to discuss it at this point. He asked Agent Eisenlohr if they have an update. Agent Eisenlohr said that he believes that everything is done. The catch basin sock wasn't put in right away

because the ground was frozen but as of two weeks ago it was put in place. Agent Eisenlohr said that he couldn't find any record of having the \$500 bond so he asked for \$2,500 to cover the \$500 that should be in place already and the additional \$2,000. He will double check with Kathy because he is not sure if the bonds have been put in place yet because he has been out of the office.

Commissioner Peacock asked about the jersey barriers. Several members said that they need to be cleaned out. Agent Eisenlohr said that in the letter the procedure was that he will just do maintenance and send Agent Eisenlohr a letter and tell him what needed to be done and if it is done.

Commissioner Molinelli said that idea of sending him the letter was to hold him accountable and the work needs to be done. They all agreed that the land will start moving now that it is not going to be frozen. Commissioner Molinelli made the suggestion as a point of reference that any letters in the future be dated because this one was not.

The two year extension was given to Mr. D'Angelo based on the items in the letter. Commissioner Molinelli suggested that Kathy go through the letter and cross reference items 1 through 6 to make sure they are done.

- D. Inland Wetland Minutes from 2/18/09
- E. Inland Wetland Special Meeting Minutes from 3/4/2009
- F. Planning & Zoning Special Meeting Minutes from 2/17/2009
- G. Planning and Zoning Minutes from 2/23/09
- H. Planning and Zoning Special Meeting Minutes from 3/2/09
- I. Zoning Board of Appeals Minutes from 2/24/09

Items D through I are for Commission information.

J. Clerks Hours.

Motion made by Commissioner Peacock and seconded by Commissioner Rollins to pay the Clerk's hours.

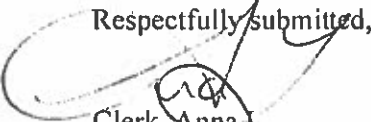
All in Favor. Unanimous. Motion Passes.

12. Adjournment

Motion made by Commissioner Peacock and seconded by Commissioner Rollins to adjourn the meeting at 8:16 p.m.

All in Favor. Unanimous. Motion Passes.

Respectfully submitted,


Clerk, Anna L.