

**Town of Winchester
INLAND WETLANDS & WATERCOURSES COMMISSION
Minutes of Regular Meeting
February 18, 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 7:04 p.m. by Chairman O'Meara. The roll was called:

2. Roll Call:

Present:

Tim O'Meara
Sue Peacock
James Rollins, Jr.
Stephen Molinelli

Ric Nalette, Jr.
Christopher Waring
Robert Haburey
Craig Sanden (7:06 p.m.)

Absent/Excused:

Christopher Kiely
Agent Eisenlohr

3. Approval of Minutes

Motion made by Commissioner Peacock and seconded by Commissioner Rollins to approve the minutes of January 21, 2009.

All in Favor. Unanimous. Motion passes.

4. Agenda Review

No Changes

5. Old Business

A. Application #IW09-01

Applicant: William Ritchie, IV
Location: 312 Taylor Brook Rd.
Map: 043, Blk: 154, Lot(s): 021X-1 Zone: RU-3.
Proposal: In-law apartment, breezeway and garage off existing house and upgrade septic system.

William Ritchie was present this evening for his application.

Chairman O'Meara said that in the packet there is a new drawing with silt fence and hay bales sketched in.

There were no questions from the Commission.

Motion made by Commissioner Nalette and seconded by Commissioner Peacock to APPROVE Application #09-01, 512 Taylor Brook Rd. Proposal: In-law apartment, breezeway and garage off of existing house and upgrade septic system. Location per engineers plan SP-1 dated 12/30/2008 by Jackson Engineering, LLC. Map: 043, Blk: 154, Lot(s) 021X-1, 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. Inland Wetland Agent approved E & S Controls prior to construction.

There was no further discussion

All in favor. Abstain: Commissioners Rollins and Sanden. Motion Passes.

6.

New 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.

Dennis McMorrow from Berkshire Engineering & Surveying was present and representing for Stevie B. Cyr. He expected Mr. Cyr to be present but with the weather he is not sure that he will be able to make it.

Mr. McMorrow said that they have a 17.9 acre property at 222 South Road and he showed the vicinity map. It is a long flat section of South Road. Approx 2 years ago Mr. Cyr constructed a dwelling and showed the location on the map. The property is unique shaped and starts with decent road frontage and narrows down. It generally slopes down and he showed this on the map.

Mr. McMorrow said that the wetlands soils were identified and flagged by George Malia, Soils Scientist from Goshen. He showed these areas on the mapboard. The proposal is to create two additional lots at that rear of the property that will be served by individual driveways with a single curb cut and they did the single curb cut based on the preliminary discussion with the Planning & Zoning Commission.

Commissioner Rollins asked why they went with two driveways instead of a common drive. Mr. McMorrow said that common driveways are notoriously problematic with property owners. When there are just two lots he tries to do the individual driveways because often it becomes problematic when one or the other homeowner is not contributing, etc. Also, from a practical standpoint they each have their own driveways to maintain. He tried to essentially grade it as one driveway with the grass strip median and with a side swale on the cut side and drop a basin and each individual driveway because of the terrain will need an additional cross culvert. He showed all of this on the mapboard.

Mr. McMorrow said that the septic systems, both the existing system and the proposed are (inaudible). He said that if you add up all the acreage it is approximately 40,000 square feet of disturbance in the upland review area but no disturbance to the wetland.

Commissioner Molinelli asked if the septic systems are in proximity to the wetlands. Mr. McMorrow showed the systems on the map. TAHD has a mandatory 75 foot setback from the wetlands and the closest to the reserve is approximately 97 feet and the primary 132 feet away. On the second property it is approximately 240 feet away to the reserve and the primary is 165 feet away. It is closer on the side which is about 105 feet to the primary. With the current health code of 75 feet from the wetlands there will be not impact on the wetlands.

Commissioner Nalette asked regarding the soil scientist that came down and did he have anything to say about the isolated pocket to the west of the lower driveway such as could it potentially be a vernal pool

Mr. McMorrow said that he did not mention it as that. He was with him when he flagged that area and it is hard panned soils and is flattened somewhat and the water rises. It has a slope through it and is not a pocket in there.

Commissioner Rollins asked about the long narrow wetland area above the northern boundary of the primary lot. It comes down a relatively steep slope and then just stops so where does it go. Mr. McMorrow said that the soils become more well drained in there and it just goes back into the ground. He believes there is a culvert in the road that starts in there and possibly in a 50 or 100 year storm you may have some surface water but the soils become more well-drained in there.

Chairman O'Meara asked if it is currently wooded back there. Mr. McMorrow said yes and pointed out the area on the map board. Once you pass the flat area and the wall as you continue to the west of the existing house and east of the proposed development it is more of a thicken and then once you pass the second wall it is more of deciduous woods.

Commissioner Rollins asked if it went to Planning & Zoning yet. Mr. McMorrow said no that he is at Wetlands first. Commissioner Rollins asked if they are going to have a problem with the frontage. Mr. McMorrow said that it will not be a problem and that he met with Planning & Zoning on an informal basis in order to go over the layout and that issue before coming to Wetlands.

Commissioner Peacock asked if he has yet met with Agent Eisenlohr on this. Mr. McMorrow said no but if he needs to, he would be more than happy to.

Chairman O'Meara asked if the driveways are going to be gravel. Mr. McMorrow said yes and that is in his specs. He said that he always says that if the driveway is over 10% it should be paved but he doesn't believe he goes over 8% on these.

Commissioner Peacock said that neither of the houses are in the regulated area but a good part of the driveway and where it branches off to the to houses is. Mr. McMorrow said yes. He said that it would be impossible to do anything beyond where they have without being in the regulated area with the three pockets of wetlands whether it be a subdivision or a single house without coming to the Wetlands Commission. Mr. McMorrow said that the Wetlands flags are still there from Mr. Malia.

Commissioner Waring asked if the area in between the two stone walls will remain the way it is or will it be cleared out. Mr. McMorrow said that the only portion to be cleared would be for the driveway and there are no plans to clear the rest out.

Commissioner Peacock asked if they did perc testing. Mr. McMorrow said yes. They did deeps and percs with TAHD. All of the calculations are in the specs. Commissioner Rollins asked about the cross hatch pattern running across the driveway and what is it representing. Mr. McMorrow said that it is a temporary construction easement. Right now it is all under one ownership. After the subdivision Mr. Cyr could sell lot 2 and that person could build a driveway and a little bit of the grading goes onto the other property so he put in a temporary easement for that.

Chairman O'Meara asked about the lines that go down and said that they look like check dams. Mr. McMorrow said yes that it is part of his erosion control plan. Mr. McMorrow said the upper part is grass and he crosses over to rip-rap where he feels the velocities are too high and those are check dams for erosion during construction.

Chairman O'Meara asked if the limits of clearing are shown anywhere. Mr. McMorrow said that there is a general note that the silt fence is the limit of clearing and if he needs it on the up side then he can create a line on the uphill side. Commissioner Peacock said she would like to see the limits of clearing for the next meeting.

Commissioner Rollins said he has concern with a swale on the uphill side of the driveway and restricting water that would be replenishing that wetlands. It appears to be no provision for that water to get back to where it is suppose to go. Mr. McMorrow said it is only an 18 inch deep side swale. He said that even if he put a curtain drain in there that is 4 or 5 feet deep he doesn't believe that it would have a significant impact to that wetlands. Over the years in his engineering with septics and curtain drains with the hardpan soils even with a 4 or 5 foot deep curtain drain the water rebounds 40 or 50 feet downhill with that drain. With an 18 inch deep swale in there he doesn't believe there will be any impact.

Commissioner Peacock asked if they will be putting in the two driveways together at the beginning of the project. Mr. McMorrow said that it is set up so it can be built simultaneously or independently. Chairman O'Meara wanted to confirm that the grading for both will be done at the same time. Mr. McMorrow said no, he has it designed so that once they are both built they are set up to have a crown in the middle and each driveway will shed away from the other driveway. Mr. McMorrow said that he can drop another basin in the area of the driveways which he pointed out on the mapboard.

Commissioner Peacock asked that once the driveways are done will the temporary easement be seeded. Mr. McMorrow said yes, the side slopes will be seeded. His erosion & sedimentation control plans calls for topsoil and seeding of all disturbed areas.

There was discussion on who is going to dictate that the work be done in order to assure that it is all completed on the driveways and swales. Mr. McMorrow said that is a valid point and he will revisit this before the next meeting. After further discussion it was agreed that the driveways should be done before the lots are sold and they can be sold as driveway ready.

Commissioner Nalette asked if he had considered putting in a swale instead of crown on the driveways to collect the runoff and draining it into the wetland area. Mr. McMorrow said that when he created the driveway and looked at the slopes it worked best to be able to shed it both ways. He has a swale on one said and if he did put a swale in the middle it wouldn't really collect anything. He showed on the map board that it would be on the uphill side of lot three but not on the uphill side of lot two. Mr. McMorrow said if the intention is keeping the water back into the wetlands then he can put a break point and drop some of the water and leave the one at the end of the driveway and he pointed it out on the mapboard. Commissioner Rollins said that it is a good idea to include that. Mr. McMorrow asked if they want a stone blanket. Mr. McMorrow said that all are designed with a level pad in order to knock the velocity down. There was a brief discussion on stone blankets and pads and the larger storm events.

For the next meeting the Commission is looking for Mr. McMorrow to add construction limits to the plan, add a catch basin to drop more water into the wetlands to the south of the driveway and look at the possibility of building both driveways simultaneously.

Chairman O'Meara asked if Agent Eisenlohr should speak with Sean Hayden regarding this. Commissioner Rollins said that it would be worth consulting regarding the wetland that is south of the driveway hydrated and he may have suggestions of what he would prefer to see there. Mr. McMorrow said that he knows Sean and will be glad to do that.

Commissioner Hayburey asked how far the wetland goes into the Bissell property and is any of the runoff going to go into that property. Mr. McMorrow said that he does not have that information but thinks that if anything it would come onto this property based on the low points at the flags.

Mr. McMorrow asked if Agent Eisenlohr will speak to Sean Hayden and let him know so that he can send it to Sean electronically. Chairman O'Meara said that they will mention this to Agent Eisenlohr. Mr. McMorrow said that he would like to take all of the comments and make all of the changes at once and have them for the next meeting.

Commissioner Nalette asked for the amount of regulated area on the property. Mr. McMorrow will bring that information to the next meeting. It will be approximate because there is a watercourse and Mr. Malia flagged the wetlands to the east of that. He will calculate from the stream eastward. There was a brief discussion on the 40,000 feet of disturbance and what it includes as pointed out on the mapboard.

Motion made by Commissioner Waring and seconded by Commissioner Rollins to accept Application 09-02, 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.

All in favor. Unanimous. Motion passes.

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.

11. Communications & Bills – Other Business

A. Chairman Report.

Chairman O'Meara said that there is a joint use Commission meeting March 9, 2009 and asked who would be interested in attending. All present Commissioners are interested. Commissioner Waring said that it would be good if they could have a reminder e-mailed to them. Chairman O'Meara said that he is not sure at this point he will be able to attend. The Commission discussed their thoughts on working on the POCD and various things that could be brought to the table at this meeting by this IWC Commission.

Commissioner Nalette suggested that they should have a special meeting beforehand so that they can discuss what the Commission expects out of this and where they expect to go so they can present a unified face on issues they would like to present at this meeting.

Motion made by Commissioner Nalette and seconded by Commissioner Sanden for a Special meeting on Wednesday, March 4th to be held in an available room at 7 p.m. in order to discuss a Wetlands forum for the Winchester POCD.

There was discussion that there be an invitation extended to Sue Closson and/or Jen Perga to attend this meeting as well. It was also noted that the March 9th POCD meeting starts at 6 p.m. not 7 p.m. like the regular meetings.

All in favor. Unanimous. Motion passes.

Chairman O'Meara said that there is a copy of a certified letter that was sent to Mr. D'Angelo per the Commission's request. Chairman O'Meara asked if anyone knew if these items had been completed as requested. Commissioner Molinelli said that there is no date on the letter sent to Mr. D'Angelo. He stated that they have a copy of the letter but without a date or a copy of the certified card they cannot realistically hold Mr. D'Angelo to the dates listed. They have no knowledge what date it was sent or if there is a response letter back from Mr. D'Angelo. It was a great letter because it was basically the verbiage from the minutes and after a brief discussion it was decided that they cannot move on this issue until they know when the letter was sent and if Mr. D'Angelo had ample time and if there was a response from him. They will discuss it next month when they can get the information from Agent Eisenlohr.

- B. Inland Wetland Minutes from 1/21/09
- C. Planning and Zoning Minutes from 1/12/09
- D. Planning and Zoning Minutes from 1/26/09
- E. Zoning Board of Appeals Minutes from 1/27/09

Items B through E are for Commission information.

F. Clerks Hours.

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

All in Favor. Unanimous. Motion Passes.

12. Adjournment

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

All in Favor. Unanimous. Motion Passes.

Respectfully submitted,


Clerk, Anna L.