

Town of Winchester  
INLAND WETLANDS & WATERCOURSES COMMISSION  
Minutes of Regular Meeting  
January 21, 2009

The regular meeting of the Inland Wetlands & Watercourses Commission met in the P. Francis Hicks Room, 2<sup>nd</sup> Floor, Town Hall, 338 Main Street, Winsted and was called to order at 7:00 p.m. by Chairman O'Meara. The roll was called:

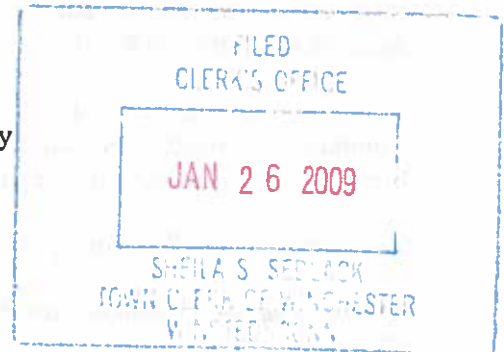
2. **Roll Call:**

**Present:**

Tim O'Meara                      Ric Nalette, Jr. (7:04)  
Sue Peacock                     Christopher Waring  
James Rollins, Jr.             Robert Haburey  
Stephen Molinelli  
Agent Eisenlohr, Wetlands Agent

**Absent/Excused:**

Christopher Kiely  
Craig Sanden



3. **Approval of Minutes**

*Motion made by Commissioner Rollins and seconded by Commissioner Molinelli to approve the minutes of December 17, 2008.*

*All in Favor. Abstain: Commissioner Peacock. Motion passes.*

4. **Agenda Review**

No Changes

Chairman O'Meara said that he would like to start with New Business at this point because one applicant is in the audience and there is no one present for Old Business at this time.

**New 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 off existing house and upgrade septic system.**

William Ritchie, IV was present for his application. Mr. Ritchie said that since the application was submitted, the architect has decided they want a garage and a breezeway. This was not on the original drawing and Mr. Ritchie gave the new drawing to the Commission. Chairman O'Meara asked if the driveway comes in along the property line or close to it. Mr. Ritchie said yes and showed the Commission on the map.

Commissioner Molinelli asked that the description on the proposal on the application be worded to include the garage and the breezeway.

Commissioner Waring asked regarding the upgraded septic---is it all current on the map or is there going to be the upgrade. Mr. Ritchie said it is showing the complete upgrade and showed where the existing is on the map. Commissioner Peacock asked if he uses both of the wells. Mr. Ritchie said no that when they put the pool in back in the early 80's they dug a 10 foot deep hole to keep the water away from it. Commissioner Rollins said that they will have to abandon the dug well when they put the system in as part of the health code.

Chairman O'Meara said that the only area the Commission is really concerned with is where the garage is. Agent Eisenlohr said the garage, the breezeway and the addition is within the regulated area. Commissioner Peacock asked what type of wetland it is. Mr. Ritchie said there is a stream down by the road that follows the road but the rest is a marshy type area that is pretty well dried up. Commissioner Peacock asked how extensive it is. Mr. Ritchie said it is a couple acres and showed the area on the map.

Commissioner Peacock said that the elevation in the reserve area goes down toward the wetlands. Commissioner Rollins said that they are still well over 100 feet from the wetlands there. There was a brief discussion on the soil type in that area and the grades.

The Commission asked for a proximity map and an E & S Control Map for next meeting.

***Motion made by Commissioner Peacock and seconded by Commissioner Rollins to accept application #IW09-01.***

Commissioner Molinelli said that it should be accepted with the modification to the description as noted.

***All in Favor. Unanimous. Motion passes.***

Chairman O'Meara said that they will now go to Old Business for Seaver, IW08-43 because Mr. Seaver is now present.

**Old Business:**

- B. Application #IW08-43 (after the fact)**  
Applicant: James & Karisa Seaver  
Location: 538 Wheeler Point  
Map: 038, Blk: 105, Lot(s): 085 Zone: HLD.  
Proposal: Shed.

Mr. Seaver was present this evening. Chairman O'Meara asked to refresh the Commission as to when this was built. Mr. Seaver said about 8 years ago.

Chairman O'Meara said that his feeling is that it is far enough from the Lake and has been there for years. It would cause more disturbance to move it.

Commissioner Nalette said that last month there was input as to public interest and asked if anything happened with that. Agent Eisenlohr said no.

Commissioner Molinelli asked if the neighboring house was expanded or changed when they did renovations on it. Mr. Seaver said that they had a stairway going up to an open attic type level and it was enclosed for which the Commission approved the foundation.

*Motion made by Commissioner Nalette and seconded by Commissioner Molinelli to APPROVE Application #08-43, 538 Wheeler Point.  
Proposal: Shed (after the fact). Location per map by DiCara Land Surveying, property survey of 538 Wheeler Point, dated 11-4-99.  
Map: 038, Blk: 105, Lot(s) 085, 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.**

*All in favor. Abstain: Commissioner Rollins. Motion Passes.*

No one is present for application #IW08-41 under Old Business so they will move back to New Business Application #IW05-24.

**New Business:**

Agent Eisenlohr suggested that they may want to address the transfer of the permit first and then go to the Modification. The Commission agreed.

**B. Application #IW05-24  
Applicant: Scott Reed  
Location: 23 Griswold Lane  
Map: 25, Blk: 153, Lot(s): 127128 Zone: RU-3.  
Proposal: Transfer of permit and Modification.**

*Motion made by Commissioner Rollins and seconded by Commissioner Waring to APPROVE permit transfer of Application #05-24 from Michael Carlson to Scott & Jillian Reed, 23 Griswold Lane. Map: 25, Blk: 153, Lot(s) 127-128, Zone: RU-3, based on oral and written testimony.*

- 1. Original Inland Wetland Permit was approved October 19, 2005.*
- 2. 5 year permit balance will expire on October 19, 2010.*
- 3. Enclosed are the original 16 conditions of approval.*
- 4. Any changes, modification, amendment of the original approval plan will require a new permit from the Inland Wetland Commission.*

The Commission continued to the Modification portion of the application.

Kenneth Hricka, Professional Engineer and Licensed Land Surveyor was present for the application this evening. He handed out new drawings because he modified the retaining wall detail because they added some soil reinforcement to make sure they are good and stable. Otherwise nothing has changed on the site plan.

Mr. Hricka said that originally the plan was prepared by Berkshire Engineering and was basically a feasibility plan with a septic designed and a generic square box for a house in order to get TAHD and Wetlands permits in order to sell the lot. Once he received those permits he installed the septic system and the pump chamber and septic tank and installed a well on the site but did not build a house or put in a

foundation. All components to serve a house are in place with just a straight drive access with no turn around when Mr. Reed bought the lot.

Mr. Hricka said that he is now presenting a house the Mr. Reed would like to build which is a little bigger in size but instead of the sloping of the land down to the Lake they have decided to create boulder retaining walls. What prompted that is that during the installation of the septic system and the carving out of the straight line driveway they accumulated a lot of boulders on site and they tried to figure out what the best thing to do with them is. Both designs have a walk out basement because of the slope and with the slope coming off the existing permitted use they created a level area right outside the back door and created a retaining wall and then drop down and create a second terrace so there is not such a great drop of an 8 or 9 foot wall. They will be able to take the material coming out of the foundation hole and backfill the drop down tiers.

Mr. Hricka said that the original planned house to the pond was 52' and they are at 45' now. The corner on the southeastern side got a little closer and the old grading on the retaining wall stopped at about 35' feet away and it is now about 22' away but he doesn't feel that it created any more of an impact but actually creates less of an impact once it is built and stabilized. Chairman O'Meara asked if they are going to start the walls closest to the Lake and work their way back. Mr. Hricka said yes. In looking at the new diagram the wall does have some geo-synthetic reinforcement built in which has to be built in layers. After the walls are built the walls will aide in the possibility for siltation because they will also be a secondary block to any silt from the house site going down because the tops of the stone will be about 6 inches higher than the grade going in.

Commissioner Nalette asked the area of the previously submitted structure. Mr. Hricka said it was approximately 1,200 square feet on footprint and it did not have a garage. This structure is 1,550 and the garage is 450 so the footprint itself is about 2,000 square feet.

Chairman O'Meara asked about the footing drain outlet. Mr. Hricka said it is coming right out of the wall right at grade so they don't have water pouring onto the ground and creating erosion. Commissioner Rollins said that it appears the original submitted grade called for 3'6" minimum and this one is 2'. Mr. Hricka said that it is a dry wall and you don't need to provide frost protection and a lot of the boulders are about two feet in diameter and they will bury one boulder as a base stone and build up from that. The original detail was more for a dry rubble wall.

Commissioner Nalette said that he sees on the map that there is an existing trailway on which they are building their proposed driveway and he asked what prevents them from moving the house closer to existing trailway. Mr. Hricka said the septic system. They are also pushed right up to the front yard zoning line.

There was discussion on the erosion control and the silt fences.

Commissioner Peacock asked what the time line is for this project. Mr. Hricka said that he doesn't expect the site work to be no more than a couple of weeks to a month for the walls.

Chairman O'Meara asked Agent Eisenlohr what the time line is on this application. Agent Eisenlohr said that it is up to the Commission because it is a modification. They can approve it tonight or wait until next month if they have any additional issues with it. The Commission agreed that they are alright with going ahead with the decision this evening.

After further discussion on the erosion control it was decided that it would be conditioned that Agent Eisenlohr inspect and approve an engineer designed secondary control.

Commissioner Nalette asked what the approximate percentage of site will be affected under new grade. Mr. Hricka said 25 or 30% without the septic system. However the septic system is already permitted and complete to code.

Commissioner Rollins said on the original plan there was a concern about the size of the house and moving the footing drains around the house down. They are only about 30 feet away from the septic system and he asked where the reserve area is. Mr. Hricka showed the reserve area just below the primary. Commissioner Rollins said there was a concern about the leaching and getting into those drains and doesn't a downhill drain have to be 50 feet away. Mr. Hricka said yes and pointed out that parts of the building will have to be built on piers or cantilevers to comply with this.

Commissioner Peacock asked what the vegetation between the wall and the Lake will be. Mr. Hricka said that it is some trees and some scrub brush. It may be thinned some but they are not intending at this point to make that lawn but it will be left natural. The eight foot section between the two walls will be grassed. Commissioner Peacock would like to see it in the conditions that the area between the stone wall and the Lake area remains natural. Commissioner Rollins said that Mr. Hricka has kept the area that the Commission originally permitted as a defined area to be kept natural.

The Commission asked Agent Eisenlohr if he received a bond from the previous owner at the beginning of the project. Agent Eisenlohr said he does not believe so because the septic system was pretty far away. He further stated that is also the reason that the original conditions are in this approval because there will be a bond due before the start of the project.

***Motion made by Commissioner Nalette and seconded by Commissioner Molinelli to APPROVE Modification to Application #05-24, 23 Griswold Lane per Site Plan Approval for Scott Reed by Hricka Associates, LLC dated 9-24-08***

***Proposal: Modification.***

***Map: 25, Blk: 153, Lot(s) 127-128, Zone: RU-3, based on oral and written testimony.***

- 1. Comply with original 16 conditions of approval attached.***
- 2. Except for 13 shall read: an undisturbed buffer area and replanting if necessary be retained between the pond and the proposed stone wall along the entire width of the property.***
- 3. Condition 17 should read Inland Wetland Agent to inspect and/or approve engineer designed secondary hay bale row before work progresses.***

Discussion:

The second row of protection shall be conditioned and inspected and approved by Agent Eisenlohr.

***All in favor. Abstain: Commissioner Haburey. Motion passes.***

**Old Business:**

- C. Application #IW08-41**  
Applicant: Nick & Suzanne Psychopaidas  
Location: 206 Perch Rock Trail  
Map: 114, Blk: 105A, Lot(s): 005 + 6, Zone: HLD.  
**Proposal: Add ramp or stairs into patio.**

Agent Eisenlohr said that this is the one that they approved partially at a prior meeting. He has called for attendance to this meeting and there has been no reply. There has been no bond submitted and no work

done at this point. He is not sure if the contractor that presented this actually secured the job and that may be why nothing is done.

There was discussion that the only thing approved previously was the 12" height of the seawall and the stairs. The applicant is not here, has not submitted a bond for the previous approval and they have no information where this is going or why it is on the agenda. It was discussed that there is nothing to approve or deny at this point it was cleaned up in the approval.

The Commission instructed Agent Eisenlohr to send a letter stating that the wall and stairs are already approved and the bond must be submitted prior to any work being done on the previous approval. Additionally, if they want to do any other work aside from what has been approved, it will require a new application with a new permit. Agent Eisenlohr will write this in a letter to the owners.

### Old Business:

- A. **Application #IW04-05**  
Applicant: Gary D'Angelo  
Location: 322 W. Wakefield Blvd.  
Map: 032, Blk: 119, Lot(s): 17A Zone: HLD.  
**Proposal: 2 year extension on Application #04-05.**

Mr. D'Angelo submitted a letter saying that he was not able to be at the meeting this evening.

Chairman O'Meara and Agent Eisenlohr went to the site today. They discussed several things to do with this site. The Commission reviewed the motion form conditions that Agent Eisenlohr prepared for this modification for further discussion.

Agent Eisenlohr said that the original bond for the retaining wall only was \$500 and that should be increased. Chairman O'Meara asked who put the catch basin in. Agent Eisenlohr said that it was already in and he cleaned it out and tried to put a sump in but there was too much ledge.

There was much discussion on the work that remains, the problems that have been occurring since the beginning of this permit, the extensions, the erosion of the site, the engineering alternatives given for the wall, the permits that are active, the bond amounts, clean out of the catch basins and the jersey barriers and the conditions in the motion form. After discussion the motion is as follows:

*Motion made by Commissioner Waring and seconded by Commissioner Molinelli to APPROVE a 2 year extension on Application #04-05, 322 W. Wakefield Blvd. based on unique conditions due to the continuous eroding slope created by water bleeding from the slope during wetter seasons, slope modification created by a large excavator or the lack of mature vegetation.*

*Activity: Construct retaining wall.*

*Proposal: 2 year extension on Application #04-05, originally approved 1-19-2005.*

*Map: 032, Blk: 119, Lot(s) 17A, Zone: HLD, based on oral and written testimony.*

#### *Additional Conditions:*

- 1. Increase the E & S Cash Bond due to the continuous eroding slope to \$2,500. Additional \$2,000 must be paid by February 15th.*
- 2. Comply with any one of the slope protection recommendations provided in a letter dated 10-12-2004 to Mr. D'Angelo from Geotechnical Engineering.*
- 3. Slope protection to be implemented and completed by May 31, 2009 with notice by Registered Mail of completion as per plan of recommendation of 10/12/2004 to the Wetlands Agent.*
- 4. If slope protection is not implemented and completed by May 31, 2009, a notice of violation will be issued and a show cause hearing will occur within 30 days.*

5. Install a silt sack or product equivalent to the inside existing catch basin at the toe of slope by February 15, 2009. Maintain product per specifications of product to be used.
6. Maintain existing jersey barriers quarterly and following any significant storm event starting February 15, 2009. In addition send a Registered letter to Wetlands Agent of findings and work completed after each maintenance session.

*All In Favor. Unanimous. Motion passes.*

It was agreed that Agent Eisenlohr would give the Commission members a hard copy of the letter with conditions on this extension.

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.

No change.

- B. Jean O'Connor, 348 W. Wakefield Blvd.-Permit non-compliance.

No change.

11. Communications & Bills – Other Business

- A. Chairman Report

Chairman O'Meara said that he sent an E-mail to Town Planner for supporting a grant for LID Regulations.

- B. Warning letter re: Aerators, ice preventers, fountains, etc...

Chairman O'Meara asked if there are any issues and can this be taken off. Discussion that there were a few people around the lake that have these that seem to be working well for them and there are no issues reported at this point. It will be taken off the agenda.

- C. Inland Wetland Minutes from 12/17/2008
- D. Planning and Zoning Minutes from 12/8/2008
- E. Planning and Zoning Minutes from 12/29/2008
- F. The Habitat.

Items C through F are for Commission information.

**G. Clerks Hours.**

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

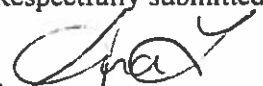
*All in Favor. Unanimous. Motion Passes.*

12. **Adjournment**

*Motion made by Commissioner Waring and seconded by Commissioner Nalette to adjourn the meeting at 8:59 p.m.*

*All in Favor. Unanimous. Motion Passes.*

Respectfully submitted,

  
Clerk, Anna L.