



TOWN OF WINCHESTER
INLAND WETLANDS & WATERCOURSES COMMISSION
Town of Winchester Town Hall, 338 Main Street
P. Francis Hicks Room – 2nd Floor
July 20, 2016 – 7:00PM
Regular Meeting Minutes

1. CALL TO ORDER:

Chairman Ric Nalette called the meeting to order at 7:00PM.

2. ROLL CALL:

Roll call was completed by Mr. Nalette. Present at the meeting in addition to Mr. Nalette were: Mr. Robert Haburey, Mr. Chris Kiely, Mr. Stephen Molinelli, Ms. Jackie Mulvey, Ms. Rosemari Roast, Mr. Gene Berlinski, and Town Planner Steve Sadlowski.

Absent excused was Ms. Loretta Tremblay. Additionally, Mr. Matthew Closson was noted as absent.

3. APPROVAL OF MINUTES: June 15, 2016

MOTION: Mr. Berlinski, Mr. Kiely second, to approve the June 15, 2016 Minutes as amended; Motion passed with Mr. Nalette, Mr. Kiely, Ms. Mulvey, Mr. Haburey Ms. Roast, and Mr. Berlinski voting aye while Mr. Molinelli abstained.

4. AGENDA REVIEW:

During the Agenda Review, it was unanimously agreed that Item C under New Business, *Application #IWWC 16-12 Applicant: Town of Winchester Police Department Owner: Town of Winchester Location: West Wakefield Boulevard Proposal: Install a Single Car Pull-off*, would be passed off to Mr. Sadlowski for an Agent Determination.

5. OLD BUSINESS:

A. Application #IWC 16-09 Applicant: Lois Clough Owner: Lois Clough Location: 348 East Wakefield Boulevard Proposal: Addition to Update Home – Build an Addition onto an Existing Part of Current Home; Addition will have Essential Updates Needed: Concrete Foundation Replacing Existing Field Stones.

Ms. Lois Clough reported that her property includes sixty (60') feet along the water's edge and that she had previously been granted approval for a trampoline, a boat lift, and a buoy. She explained that she is seeking to change this to a dock, a jet ski lift, and a buoy. Ms. Clough reminded Commissioners that pictures depicting where she would like to locate these have been submitted.

MOTION: Ms. Mulvey, Mr. Berlinski second, to approve Application #IWC16-09 Applicant: Lois Clough Owner: Lois Clough Location: 356 West Wakefield Boulevard Proposal: Dock, Boat Lift, and Buoy, based on oral and written testimony, subject to the following conditions:

1. The permittee shall notify the Inland Wetlands Enforcement Officer immediately upon the commencement of work and upon its completion.
2. If the authorized activity is not completed within five years from the issuance date of June 15, 2016, said activity shall cease and, if not previously revoked or specifically renewed or extended, this permit shall be null and void. Any request to renew or extend the expiration date of a permit should be filed in accordance with the Inland Wetlands Regulations of the Town of Winchester. Expired permits may not be renewed and the Inland Wetlands Commission may require a new application for regulated activities.
3. All work and all regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this permit. A copy of the permit and plans shall be on site at all times. Any structures, excavation, fill, obstructions, encroachments, or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension or revocation.

4. This authorization is not transferable without the written consent of the Inland Wetlands Commission.
5. In evaluating this application, the Inland Wetlands Commission has relied on information provided by the applicant. If such information is subsequently proved to be false, incomplete or misleading, this permit may be modified, suspended or revoked and the permittee may be subject to any other remedies or penalties provided by law.
6. The permittee shall employ the best management practices, consistent with the terms and conditions of this permit to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands or watercourses. Permittee will provide a copy of approved plans to contractor which shall stay on site and be available for review or inspection during the duration of work. For information and technical assistance, contact the Wetlands Enforcement Officer. The permittee shall immediately inform the commission of any problems involving the wetlands or watercourses that have developed in the course of, or that are caused by, the authorized work.
7. No equipment or material including without limitation, fill construction materials, or debris, shall be deposited, placed or stored in any wetland or watercourse on or off site unless specifically authorized by this permit.
8. This permit is subject to and does not derogate any rights or powers of the Town of Winchester, conveys no property rights or exclusive privileges, and is subject to all public and private rights, to all applicable federal, state and local laws. In conducting and maintaining any activities authorized herein, the permittee may not cause pollution, impairment, or destruction of the inland wetlands and watercourses of Winchester.
9. If the activity authorized by the inland wetlands permit also involves activity or a project that requires zoning of subdivision approval, special permit, variance, or special exception, no work pursuant to the wetlands permit may begin until such approval is obtained.
10. The permittee shall maintain sediment and erosion controls at the site in such operable conditions as to prevent the pollution of wetlands and watercourses. Said controls are to be inspected by the permittee for deficiencies at least once per week and immediately after rains. The permittee shall correct any such deficiencies within 24 hours of said deficiencies being found. The permittee shall maintain such control measures until all areas of disturbed soils at the site are stabilized.
11. The permittee, contractor and/or owner shall conduct all operations at the site in full compliance with this permit, to the extent provided by law, may be held liable for any violations of the terms and conditions of this permit and are responsible for any violation they may have created.
12. Wetland flagging to stay in place during the construction process. Missing flags to be replaced upon the Wetland Agent's request if required for inspection or enforcement; Motion passed with Mr. Nalette, Ms. Mulvey, Mr. Berlinski, Ms. Roast, and Mr. Haburey voting aye while Mr. Kiely and Mr. Molinelli abstained.

6. NEW BUSINESS:

A. Application #IWC 16-10 Applicant: Bob and Jennifer Leach Owner: Bob and Jennifer Leach Location: 356 West Wakefield Boulevard.

Mr. and Mrs. Bob and Jennifer Leach appeared before the Commission regarding this application. Mr. Leach explained that they are proposing to build a 26' x 36' foot addition, which also includes tearing down a section of their existing dwelling. Mr. Leach reported that the plans include a rat slab foundation. He noted that they will dig a hole, with nothing against the water, include a silt fence, and then fill it back in as soon as possible. Mr. Leach reported that he does not plan to have dirt stored on site for very long and that it will be located in a pile with hay bales around it to protect from a rain storm. Mr. Leach noted that the materials removed will be done so through a dumpster. He also noted that their plans are to include process stone around the perimeter of the dwelling and that it will not have a gutter so that water can drip off the home into the stone.

Mrs. Leach reported that she was going to look into some shoreline erosion control such as azaleas and mulch between the structure and the water. Mr. Haburey questioned whether the edge of the building as represented in the photograph submitted will remain the same with respect to the new dwelling. Mr. Leach explained that the proposed new dwelling will actually be to the edge of where the current deck is presently located.

Mr. Nalette noted that the applicants have received a variance for the proposal from the Zoning Board of Appeals. He then questioned whether the topography of the lot will remain the same. Mr. Leach confirmed.

MOTION: Mr. Haburey, Mr. Kiely second, to accept Application #IWC 16-10 Applicant: Bob and Jennifer Leach Owner: Bob and Jennifer Leach Location: 356 West Wakefield Boulevard deeming it non-significant; unanimously approved.

Mr. Nalette explained to the applicants that their application had been accepted and advised them that it would be reviewed at the next regular meeting of the Commission and that they should plan to discuss the planting plan then.

B. Application #IWWC 16-11 Applicant: Hendels, Inc. Owner: Dolinsky Realty Corp. Location: Lot #4, Old New Hartford Road Proposal: Construct Filling Station and Convenience Store on Vacant Lot.

Mr. John Kushman appeared before the Commission, noting that Hendels, Inc. has been operating in Connecticut for about seventy years, primarily in the southeastern portion of the state as a gasoline wholesaler. He explained that they have built gas stations/convenience stores throughout the state with a recent effort to expand to various parts of the state, noting a recently built Henny Penny in Seymour.

Mr. Nalette asked some general questions about how the applicant chose Winsted as a location.

Mr. Rob Colabella, P.E. and Principal of Laurel Engineering, Inc., also appeared before the Commission on behalf of the applicant. In reviewing the plans, he described the issues that the engineers were presented with in terms of determining the location of the building on the site. He noted on the drawing he utilized in his presentation, the location of the wetlands outlined in dark blue as well as the work, 1430 square feet or .52 acres, that will fall within the regulated area in light blue. He noted that there will be a lip across the driveway to prevent water from traveling across. Mr. Colabella explained that whatever water that might make its way across this lip, or should the lip wear down, will be collected and treated in a rain garden before it is released into the system. He then described the second cleaning point which included four curbless catch basins at low points which will take the runoff into water-oil separator. A third cleaning point utilizing a VortSentric unit was described. He noted that there are six areas where the water is being cleaned. Mr. Colabella also pointed out that there is a Maintenance Schedule, a Storm Management Plan, a Utility Plan and a Landscaping Plan submitted as part of the plans.

Mr. Colabella reported that the entire site is five to sixteen feet of fill. He explained that this property has been groomed over the years for precisely what is being proposed as part of this application. Mr. Colabella noted that borings were performed on the site to be sure that there would not be any additional consolidation of the site or differential settling of the building. He opined that the proposal is the most feasible and prudent alternative for the wetlands present on the site. Additionally, he noted that less than 2% of the project is located within the regulated area.

Mr. Nalette questioned how the un-compacted fill will be addressed and whether it will be removed and trucked off site and replaced with new fill. Mr. Colabella explained that it is uncertain whether the applicants will strip it all the way down or to take it down to frost level and use two (2') feet of gravel rather than six (6") inches of gravel for the slab on grade foundation.

Mr. Molinelli questioned the building runoff, specifically sinks and toilets and whether the sewer system is available to this location. Mr. Colabella noted that there will be a 1000-gallon grease trap with a pump and a force main to Old New Hartford Road. He noted that conversations have taken place with Department of Public Works Director Jim Rollins and the Water and Sewer Department.

Mr. Molinelli questioned whether the generator will operate on gas or propane. Mr. Colabella noted that the owners are unsure at this point but that he will likely advise natural gas.

Mr. Sadlowski reported that these plans have also been forwarded to Sean Hayden of the Northwest Conservation District.

Mr. Nalette questioned what percentage of the regulated area of the site will be impacted. Mr. Colabella indicated that 1434 square feet of the entire site of 110368 square feet, or 1.3%.

Mr. Haburey questioned the size of the gas tanks. Mr. Colabella indicated that one is 8000 gallons and that the other is a 12000 split.

The Commission then discussed and considered whether to deem this application as significant or non-significant.

Mr. Sadlowski read from Inland Wetlands Watercourses Commission Regulations, wherein the definition for significant impact activity" is contained.

Mr. Mike Sherman, P.E. of Laurel Engineering also addressed the Commission. He opined that the system as designed is what he would characterize as a fail-safe system, noting that it contains redundancy. Mr. Sherman explained that if anyone were to spill anything, it would fall to the positive limiting barriers around the concrete pads. He noted that there is then a Spill Mitigation Plan and Soil Erosion Control Plan. He explained that should any oil or gas get past the positive limiting barriers, it would all go to the basins and then the oil/water separator, which he characterized as Redundancy #1. Should anything get past that, he identified on the plan where the oil would be caught. He opined that there is no chance of sediment getting past this as he identified where it would be collected in the two other spots besides the rain garden. Mr. Sherman emphasized the redundancy of protections contained within the plans.

Mr. Nalette noted that the work on the entire site and not just the work within the wetlands and regulated area is a significant impact to the site. Mr. Sadlowski explained that the language that should be reviewed is under Section 9.1 of the Inland Wetlands Watercourses Commission Regulations regarding whether a public hearing should be held.

The Commission then discussed whether or not this application should be set for a public hearing.

MOTION: Mr. Berlinski, Mr. Kiely second, **to accept Application #IWWC 16-11 Applicant: Hendels, Inc. Owner: Dolinsky Realty Corp. Location: Lot #4, Old New Hartford Road Proposal: Construct Filling Station and Convenience Store on Vacant Lot, deeming it as non-significant; Motion passed with Mr. Nalette, Mr. Haburey, Mr. Kiely, Mr. Molinelli, Ms. Mulvey, and Mr. Berlinski voting aye Ms. Roast abstained.**

C. Application #IWWC 16-12 Applicant: Town of Winchester Police Department Owner: Town of Winchester Location: West Wakefield Boulevard Proposal: Install a Single Car Pull-off

This application was referred to Mr. Sadlowski for an Agent Determination.

7. OTHER BUSINESS:

None.

8. AGENT ACTIONS:

A. Determinations.

Mr. Nalette questioned whether Mr. Sadlowski is facing any problems going out to check on sites to follow up on applications. Mr. Nalette noted that the Commission has a list of chronic problem sites that the Commission opines should be visited on a regular basis. Mr. Nalette suggested that Mr. Berlinski and he meet with Mr. Sadlowski to discuss this list of sites that the Commission has historically had problems with to make sure that the information is shared. Mr. Sadlowski explained that he may not be familiar with all of the historical violations but is definitely following the recent applications, noting that he travels around the lake once or twice a week to check out the applications that have come in during his tenure.

Mr. Nalette provided a couple of examples that would be on the list. Mr. Sadlowski noted that he checks all the applications that he knows are active as he deems needed.

Mr. Sadlowski reminded the Commission of the all-day training scheduled for March, 2017 hosted by the Connecticut Bar Association, that deals with public hearings and ex parte communications.

The Commission briefly discussed the Sue Grossman Greenway, noting it will need to be presented again. It was noted that the application that will be presented is exactly what was presented the first time. Additionally, Mr. Nalette noted that the Department of Transportation and the Army Corp. of Engineers will also need to review it again.

B. Warnings/Violations.

No business discussed.

9. COMMUNICATIONS AND BILLS:

None.

MOTION: Mr. Berlinski, Mr. Haburey second, **to adjourn at 8:22PM; unanimously approved.**

**Respectfully submitted,
Pamela A. Colombie
Recording Clerk**