



TOWN OF WINCHESTER
INLAND WETLANDS & WATERCOURSES COMMISSION
Town Hall, 338 Main Street, 2nd Floor – P. Francis Hicks Room, Winsted
and was streamed live on YouTube:

<https://www.youtube.com/channel/UCT1ffiBjMTBQM5OEXSgKlqg/videos>

August 17, 2022 – 7:00PM
Regular Meeting Minutes

1. CALL TO ORDER:

Chairman Steve Molinelli called the meeting to order at 7:00PM.

2. ROLL CALL:

Roll call was completed by Mr. Molinelli. Present at the meeting in addition to him were: Russ Davenport, Andrea Krawiecki, Jeff Lippincott, Mary Ann Marino, Leane Marvin, Jackie Mulvey, and Gary Paganelli.

3. APPROVAL OF MINUTES –JULY 20, 2022 REGULAR MEETING:

MOTION: Mr. Davenport, Mr. Molinelli second, to approve the July 20, 2022 regular meeting minutes; unanimously approved.

4. AGENDA REVIEW.

Mr. Molinelli requested that the discussion on the subcommittee's recommendations for modifications to the application be included on the September agenda.

5. PUBLIC HEARINGS:

A. IWWC#22-08 Applicant: James McTigue Owner: Steven Heffer and Heena Sultan Location: 212 West Wakefield Boulevard Proposal: Reconstruct Residence and Decking; New Walks and Retaining Walls.

The legal ad was read into the record with it being noted as having run the requisite two times, August 4, 2022 and August 10, 2022, in the Republican American. It was also reported that the Certificate(s) of Mail have been received from the applicant serving as evidence that notice was provided to the abutting property owners.

Professional Land Surveyor Jim McTigue of Arthur Howland and Associates appeared before the commission regarding this application. Mr. McTigue reminded the commission that the 1923 house extends out over the lake water and that the lot, a non-conforming parcel, was created prior to the town's zoning. Mr. McTigue distributed packets containing photographs of the parcel and copies of permits. He noted that their structural engineer, Kevin Archer, has completed a report that was reviewed by the Town's consulting engineer, Tom Grimaldi, regarding the foundation. Those findings include the foundation to be decrepit and in need of replacement, according to Mr. McTigue. He indicated that Mr. Grimaldi had concurred on this point. He noted that the structure is not touching steel in the middle portion.

With respect to the residence, Mr. McTigue indicated that the proposal was merely to replace, in kind, what is already existing. He noted that there is a request, for which approval from the Zoning Board of Appeals will be necessary, for an addition on the side for a small utility shed. The plans also include a two-story deck with stairs, as Mr. McTigue pointed out. He noted that 12' of the proposed lake wall on one side and 5.8' of lake wall on the other side have been removed from what had been previously proposed. Mr. McTigue reviewed the architectural drawings and floor plan. He noted the new retaining walls and 3' lake wall with steps. Current conditions of that area include a 25% slope with large (6" to 8") rip rap, according to Mr. McTigue. He noted that the riprap cannot be walked on. He noted that the walls will create 360 square feet of lawn for the property owners to enjoy. The southerly side of the lake wall will be planted with river birch trees, according to Mr. McTigue. He noted the locations on the site that will include a utility pad for a generator, an additional utility pad for the AC unit, and the spot for a buried 500-gallon propane tank.

Mr. McTigue noted that the second wall depicted on the plans near the foundation will not be constructed. He did confirm, however, that the structural engineer has indicated that a piece of foundation is necessary for a 1'x8' and 1'x8' section. The remainder of the premises will sit on shore although a stem wall is necessary, he explained. Both the proposed sea wall and the proposed retaining wall will be less than 3' tall, according to Mr. McTigue. He noted the location planned for the gate along the road and the required 9' viewshed.

Mr. McTigue indicated the resulting runoff on this property as de minimus and opined that Highland Lake could absorb it.

Mr. Davenport noted the work proposed for the lake wall. Mr. McTigue noted the cuts and fills necessary for this area. Mr. Davenport questioned the piers currently supporting the dwelling. Mr. McTigue indicated that there were currently three concrete piers holding up the residence, reporting the middle pier as sunk and no longer functioning to hold up the residence. He reported all the steel as being rotten.

Mr. McTigue explained that a coffer dam was going to be utilized with this project. He noted that this was the industry standard for protection of any water body during construction. He explained that divers will go in, install braces, and then lay fabric membrane on the lake side. The water holds the membrane down and in place, according to Mr. McTigue. He further explained that water is then pumped out behind the braces to create a dry work area so that excavation can be undertaken to install the footings. Mr. McTigue noted the water is pumped back into the lake and indicated that there is no disturbance of the lakebed as the excavation is limited to only the two footings necessary for the two piers that will hold the house up. Ms. Marino questioned whether the excavation would be done by hand. Mr. McTigue indicated that it would not and would be accomplished with an excavator. He reported that it would be staged on shore and that the stockpile area would be the driveway across the street. Mr. Davenport explained that his concern rest with lakebed restoration. Mr. McTigue indicated that the lakebed would be restored exactly as it was. Mr. Davenport questioned how that gets accomplished without a specification sheet. Mr. McTigue indicated that from what he can see, it is a rocky lakebed. He suggested that once the coffer dam was installed, photographs could be taken prior to any excavation and then the area could be restored according to the photographs.

Noting Mr. McTigue's reference to an 8' depth, Mr. Lippincott noted the submitted photograph depicting the dry work area during one of the old construction projects. Mr. Lippincott suggested that the work should be undertaken during a deep drawdown. Mr. Molinelli explained that a drawdown schedule had recently been approved by the commission with a deep drawdown planned in a few years.

Mr. Molinelli questioned whether machinery on the lakebed was planned. Mr. McTigue confirmed. Mr. Molinelli explained how the commission has historically prohibited that. Mr. McTigue conceded that there could be a machine staged on shore with a longer arm that extends down. Mr. Molinelli noted the high-water table. Mr. McTigue indicated that if they encounter ledge, it would be better for their project as they would then just pin to it. Mr. Molinelli questioned whether pilings have been considered. He questioned whether the retaining wall and fence was entirely on the subject property. Mr. McTigue confirmed. He indicated that currently the area has a gravelly base. Mr. McTigue reported that the gravel will be removed and replaced with grass. Mr. Molinelli questioned whether the gravel, on the town-owned land, would be removed. Mr. McTigue confirmed. Ms. Marvin questioned whether any trees were being removed. Mr. McTigue confirmed that an 8" oak and a 6" pine will be removed but noted that the project includes replacing with six birch and two ornamental trees. Additionally, shrubbery and plants will be added to the greatest extent possible, according to Mr. McTigue. Ms. Mulvey questioned the distance between the wall and the street. Mr. McTigue indicated that the fence would be on his client's property and that behind that would be the wall. Ms. Marino questioned what would be on the lakeside of the fence.

Mr. Molinelli questioned whether Mr. McTigue had an opportunity to review Mr. Grimaldi's comments. Mr. McTigue confirmed, noting that Mr. Grimaldi's concerns were all allayed. Staff noted that Mr. Grimaldi's most recent replies included recommendations that the work begin during a deep drawdown. She noted that the

next deep drawdown, 7', was scheduled for the 2025-2026 season. Mr. McTigue indicated that they would like to begin construction as soon as the lake level is dropped this year.

Mr. Davenport reiterated his concern with the restoration of the lakebed.

Mr. Lippincott questioned the distance of excavation. Mr. McTigue noted that it would be minimal and just enough, 8' to 10'. Mr. Paganelli noted his concern with water quality, noting the possibilities resulting from rain. Mr. McTigue noted that the water would be filtered, with *Means and Methods*, for erosion control. He indicated silt sacs would be utilized on a dry space. Mr. Paganelli questioned the sequence of construction. Mr. Davenport shared his preference for specifications being reviewed by this commission.

With respect to the walls and lawn area to replace the existing riprap, Mr. Stankov noted that the shore was currently stable. The addition of trees into the riprap bank were not addressed by Mr. Grimaldi, according to Mr. Stankov. He would not characterize what was being proposed as minimal disturbance. Ms. Marvin concurred. Ms. Marino questioned whether the owners had considered waiting for the next drawdown. Mr. McTigue reported that waiting was not acceptable to the owners.

Ms. Krawiecki questioned whether coffer dams are ever compromised and if so, what the result would be. Mr. Paganelli indicated that he had never seen one that got compromised. Mr. Paganelli shared his concern with the demolition of the building, noting that it wouldn't likely be accomplished one piece at a time. Mr. McTigue insisted that it would be as his clients did not want to pollute the lake. Mr. Paganelli questioned whether a frac tank might be utilized as the water runs out completely clean. Mr. McTigue indicated not having a problem with that. Ms. Marino questioned whether the commission might take a moment to read the engineer's responses.

Mr. Lippincott questioned the increase in impervious surface. Mr. McTigue explained the house was remaining the same but noted the addition of the AC and generator pads, the utility area, and the walls. Mr. Lippincott also questioned the edge of the proposed lakebed. Mr. McTigue confirmed that there would be no taking of the lake, noting the edge of the wall is entirely on his client's property.

Ms. Marino questioned whether it was possible to rebuild the house without building the retaining walls. Mr. McTigue confirmed. He noted which stairs were necessary to access the residence. The current access to the dwelling could be reused, Mr. McTigue confirmed.

Mr. Molinelli questioned whether the house could be supported in a different way. Mr. McTigue indicated that he was not a structural engineer but that one had been retained and that he had created the plan.

Mr. Lippincott opined that the proposed improvements included in the application would be a welcome addition to the area.

As impervious surface was discussed, Ms. Marino noted that it was increasing. Mr. McTigue noted that the zoning regulations do not indicate that the walls need to be included but that his client had voluntarily included it in the calculations. Mr. Lippincott noted that they had always been included. Ms. Mulvey questioned the flooring of the bottom level. Mr. McTigue indicated that it was currently decking and would be replaced with decking.

The lake wall design was discussed. Mr. McTigue explained that the design included 18"-24" angular boulders in front of the lake wall to break up the wave action so it would not affect any of the other properties on the lake. Ms. Mulvey questioned whether the boulders would be located within the boundary lines. Mr. McTigue indicated that they would not be.

Proposed conditions of approval were discussed. With respect to restoring the lakebed, Mr. McTigue suggested employing an environmental scientist to review conditions and make recommendations after the

coffer dam is installed. Ms. Mulvey noted the proposed angular boulders are being proposed beyond the owner's property. Mr. McTigue agreed to revisit pulling the retaining wall back.

The hearing was open to the public. No comment was received.

MOTION: Ms. Krawiecki, Mr. Paganelli second, to continue the public hearing in the matter of IWWC#22-08 Applicant: James McTigue Owner: Steven Heffer and Heena Sultan Location: 212 West Wakefield Boulevard Proposal: Reconstruct Residence and Decking; New Walks and Retaining Walls to the September 21, 2022 regular meeting; unanimously approved.

B. IWWC#22-14 Applicant/Owners: Michael Goncalves and Desiree Goncalves Location: 524 East Wakefield Boulevard Proposal: Install Dock.
Staff reported that this application had been withdrawn.

C. IWWC#22-15 Applicant/Owners: Michael Goncalves and Desiree Goncalves Location: 522 East Wakefield Boulevard Proposal: Install Lift.
Staff reported that this application had been withdrawn.

6. OLD BUSINESS:

A. IWWC#22-08 Applicant: James McTigue Owner: Steven Heffer and Heena Sultan Location: 212 West Wakefield Boulevard Proposal: Reconstruct Residence and Decking; New Walks and Retaining Walls.

MOTION: Ms. Krawiecki, Mr. Paganelli second, to continue the public hearing in the matter of IWWC#22-08 Applicant: James McTigue Owner: Steven Heffer and Heena Sultan Location: 212 West Wakefield Boulevard Proposal: Reconstruct Residence and Decking; New Walks and Retaining Walls to the September 21, 2022 regular meeting; unanimously approved.

B. IWWC#22-13 Applicant: Donald Lapointe Owner: Robert Bates and Tracy Bates Location: 428 East Wakefield Boulevard Proposal: Add Deck to Shed; Use Lake for Irrigation System.

Mr. Stankov reported having conversed with the applicant who had continued to be unwilling to get a survey. However, Mr. Stankov also reported having spoken to the owner, on the day prior to this meeting, who had agreed to get an as-built survey to correct this violation.

MOTION: Ms. Krawiecki, Mr. Paganelli second, to continue Application IWWC#22-13 Applicant: Donald Lapointe Owner: Robert Bates and Tracy Bates Location: 428 East Wakefield Boulevard Proposal: Add Deck to Shed; Use Lake for Irrigation System to the September 21, 2022 regular meeting; unanimously approved.

C. IWWC#22-14 Applicant/Owners: Michael Goncalves and Desiree Goncalves Location: 524 East Wakefield Boulevard Proposal: Install Dock.
This application had previously been reported as having been withdrawn.

D. IWWC#22-15 Applicant/Owners: Michael Goncalves and Desiree Goncalves Location: 522 East Wakefield Boulevard Proposal: Install Lift.
This application had previously been reported as having been withdrawn.

H. IWWC #22-22 Owner/Applicant: James Maguire Location: West Wakefield Boulevard (Map 113, Block 121, Lot 023024) Proposal: 12'x3½' Dock with 12'x12' Float.
Mr. Stankov reported that this application has been withdrawn.

A. IWWC #22-27 Owner: James Silver and Magdalena Silver Applicant: James Silver Location: 543 West Wakefield Boulevard Proposal: Install a Buoy.

James Silver appeared before the commission regarding this application. Mr. Stankov explained that the applicant had originally requested a buoy but that he had found some discrepancies in the files with the approved lake walls. He noted that he had reached out to the engineer to provide the Town with an as-built survey along with a certification that the walls were correctly constructed. Mr. Stankov reported the engineer had confirmed that he was on site when the walls were installed and that he could swear up and down that they were done properly. Mr. Molinelli questioned the name of the professional engineer. Mr. Stankov indicated that it was George Cotter. Mr. Molinelli questioned whether Mr. Stankov had documents to that affect. Mr. Stankov confirmed.

MOTION: Ms. Krawiecki, Ms. Marino second, to approve Application IWWC #22-27 Owner: James Silver and Magdalena Silver Applicant: James Silver Location: 543 West Wakefield Boulevard Proposal: Install a Buoy, the site as constructed, the walls built on the 2014 site plan, and the placement of the dock and stairways; unanimously approved

The agenda was modified to take up Application(s) IWWC #22-32, IWWC #22-33, and IWWC#22-34 ahead of IWWC #22-31.

7. NEW BUSINESS:

A. IWWC #22-32 Owner: Ledgebrook, LLC Applicant: Palm Coast Capital, LLC Location: New Hartford Road (Map 034, Block 158, Lot 001E-2) Proposal: Construction of Retail Building, Parking Area, Fenced Outdoor Display and Stormwater Basin.

Matt Darling, representing Palm Coast Capital, LLC, accompanied by Professional Engineer James Cassidy, appeared before the commission regarding this application. Mr. Darling explained that Tractor Supply will be moving from Barkhamsted and into Winsted. He noted it will include a ±23000 square foot building with a 22000 square foot outdoor display area. Mr. Darling explained the store and the display area will be adjacent to each other. No work will be included in the wetlands, according to Mr. Darling.

Mr. Cassidy reviewed an aerial photo of the site, noting the 10.66-acre parcel was located behind the Ledgebrook plaza. He indicated that the parcel is connected to New Hartford Road by a 675' deep strip of land. Access to the property is through easements with the existing shopping plaza. No new curb cuts were proposed, according to Mr. Cassidy. He noted that about 1/3 of the property was in a conservation easement.

Mr. Cassidy reported that Soil Scientist Matt Davidson of Davidson Environmental was retained to delineate the wetlands soils on the site. He noted that there was a wooded area on the easterly side of the parcel with a little depression that comprised the first area of wetlands. Three additional wetlands areas were noted in Mr. Davidson's report, according to Mr. Cassidy. He noted that the fourth area is an isolated area, in the middle of a field, that had tires and debris within it. Mr. Cassidy noted the elevation was at 374' on that one and slopes at a moderate grade as it comes to the parking lot. The majority of the site was already disturbed, according to Mr. Cassidy. He noted that there were all kinds of access roads with no vegetation and that it had not been maintained as a meadow for a while.

Mr. Cassidy explained the proposal included construction of a new one-story retail building with a total footprint of 23,957 square feet and a 16,269 square foot fenced-in display area on a concrete pad off to the west. He noted the area for the 34000 square foot greenhouse. Mr. Cassidy reviewed the new parking lot which will include 100 parking spaces. The utility plan was reviewed with Mr. Cassidy noting that the utilities off the back of the site will be extended down to the proposed building.

With respect to drainage, Mr. Cassidy explained that stormwater drains from the wetlands area on the south and the wetlands area on the west down to the northeasterly corner of the site. He noted that there were two catch basins in the grass area that collect the majority of the runoff from the site. Mr. Cassidy noted that the

outlet of the pipe was not discovered during their investigation. The proposal includes a new stormwater management system with a series of catch basins in the parking area and the drive aisle with deep sumps. Those will discharge to a stormwater basin at the back portion of the site, according to Mr. Cassidy. Not much infiltration is expected, he explained. He noted the organic soil that will be installed with moisture tolerant plants.

Mr. Cassidy noted the stormwater management report that was generated, indicating that there was a slight decrease between pre- and post-development. He noted that the total activity was 42,140 square feet in the upland review area. While the amount may seem significant, Mr. Cassidy explained, nothing will drain towards a wetlands area. He opined that none of the planned development would have any type of significant impact to the wetlands.

The neighbors to the subject parcel were discussed. It was noted that the design had been developed with consideration to the owner of the Ledgebrook plaza as an easement agreement had been discussed and agreed with that owner. The other abutting parcel was determined to be owned by the State of Connecticut.

Mr. Molinelli questioned the time frame. Mr. Darling explained that they would like to get started in the beginning of October. He indicated that it would likely be completed within six months' time from breaking ground.

Ms. Marvin questioned the amount of disturbance planned for the wetlands. Mr. Cassidy indicated that there was none. Ms. Marino questioned the distance between the area that would be disturbed and the wetlands. Mr. Cassidy reported that the closest point is 17' but that it was down gradient from it. He noted that wetlands were an excavated channel and had it not been done, it would not be a wetlands. Ms. Marino questioned the next closest point. Mr. Cassidy noted that another wetlands, a man-made wetlands at the toe of the slope, was 30'. He reported that as he gets closer, he is about 50' away. Mr. Cassidy noted that the proposed disturbance is about 200' away from the original, natural wetlands, which is located within the conservation easement. He pointed out that no additional tree clearing is necessary for the disturbed areas. In response to an inquiry from Mr. Molinelli, Mr. Cassidy noted that the closest point, at 17', is for the snow shelf. Mr. Stankov questioned whether any additional plantings were proposed for additional protection for the wetlands. Mr. Cassidy indicated that they were not but that they could consider some. He reminded the commission that they could go in and remove the existing debris and plant some additional shrubbery around it to provide a wildlife habitat around that and keep people around that. Mr. Stankov questioned whether the wetlands study was done at a time that would count vernal pools. Mr. Cassidy confirmed, noting that it was undertaken in March/April.

As the commission considered whether a public hearing was warranted, it was confirmed that the proposal would be considered as a Special Permit by the Planning and Zoning Commission and would accordingly, have a public hearing there. Mr. Cassidy assured the commission that some additional landscaping around the wetlands would be added.

MOTION: Mr. Davenport, Mr. Paganelli second, to accept Application IWWC #22-32 Owner: Ledgebrook, LLC Applicant: Palm Coast Capital, LLC Location: New Hartford Road (Map 034, Block 158, Lot 001E-2) Proposal: Construction of Retail Building, Parking Area, Fenced Outdoor Display and Stormwater Basin, finding the proposed activity as not significant; unanimously approved.

B. IWWC #22-33 (Modification of IWWC#20-31 and #22-04) Owner: Sandy Drive Three, LLC Applicant: Peter D'Addeo Location: 240 Perch Rock Trail Proposal: Brick Paver Patio and Electrical Conduit & Pole.

Neither the applicant nor a representative on behalf of the owner appeared before the commission.

MOTION: Mr. Molinelli, Ms. Mulvey second, to accept Application IWWC #22-33 (Modification of IWWC#20-31 and #22-04) Owner: Sandy Drive Three, LLC Applicant: Peter D'Addeo Location: 240 Perch Rock Trail Proposal: Brick Paver Patio and Electrical Conduit & Pole, without prejudice; unanimously approved.

C. IWWC #22-34 Owner: Joseph Stawicki and Barbara Stawicki Applicant: Joseph Stawicki Location: 135 West Wakefield Boulevard Proposal: Replacement of Stairs and Wall at Driveway.

Joseph Stawicki appeared before the commission regarding this application. He explained that the stairs leading from his driveway towards his home has deteriorated. Mr. Stawicki reported that the proposal includes new stairs in that area which will lead to a platform area and then take the turn toward the home. He noted that the parcel is across the street from the lake.

Mr. Stankov reported that most of the stair area is a series of railroad ties or half railroad ties with brick in between them. He confirmed that they are falling apart. Mr. Stankov noted that those steps then lead to the curved stairs Mr. Stawicki was referencing, also needing replacement. Mr. Stankov noted that the slope was steep and that he had discussed with the applicant the need for an updated survey to show the proposed work. Mr. Stankov explained an engineer would be necessary because the grade was 50%. He noted that it would need additional approvals beyond one from this commission.

It was noted that a survey would be necessary with the proposed work reflected on that along with nine copies, one for each of the commissioners. A sediment and erosion control plan and a sequence plan should also be included, according to the consensus of the commission.

MOTION: Ms. Mulvey, Mr. Paganelli second, to accept Application IWWC #22-34 Owner: Joseph Stawicki and Barbara Stawicki Applicant: Joseph Stawicki Location: 135 West Wakefield Boulevard Proposal: Replacement of Stairs and Wall at Driveway, finding the proposed activity as not significant; unanimously approved.

D. IWWC #22-31 Owner: Camp Wahnee Associates Applicant: Camp Wahnee Location: 128 Wahnee Road Proposal: Maintenance of Sandy Beach.

Dave Stricker appeared before the commission regarding the application, explaining that he was unsure why he had to submit an application. Mr. Stankov reported that there had been an enforcement action on this property, following complaints from neighbors regarding an area where there were big piles of sand on the beach. Mr. Stricker had explained to him that this was his standard operating procedure, according to Mr. Stankov. He suggested that the applicant appear before the commission to explain to this group what it was, he considered standard operating procedure. He further noted that a portion of the survey had been submitted accompanying the application.

Mr. Molinelli questioned how the sand is accumulated in a pile everywhere and how it was that it dissipated every year. Mr. Stricker explained that it was the method by which his crews raked the beach. Rather than hand labor, a machine piles the sand, and it is sifted with the branches and rocks taken out, according to Mr. Stricker. He indicated that his company is shut down for eight to nine months per year. Mr. Stricker explained that anything that is sharp is removed prior to reopening. He noted that gaps are filled in from storm events during the year. Mr. Stricker noted the sand is piled up and then put back. He indicated that no sand had been brought in since Hurricane Sandy.

Mr. Davenport questioned whether the beach was restored with what was there and whether anything new is brought in. Mr. Stricker indicated that there was nothing new brought in. Mr. Lippincott suggested the commission create/adopt some sort of policy noting that there is maintenance that needs to be done on a sandy beach in every lake. Mr. Stankov noted that he had reached out to Department of Public Works Director Jim Rollins to question whether the Town does anything for Reesha Beach or Holland Beach. Mr. Rollins was unsure whether they did, according to Mr. Stankov. Mr. Stankov noted that he had been unable to follow up with Recreation Department Director Tanya Risucci. Mr. Davenport recalled that it used to be done. Mr. Lippincott noted the utilization of York rakes along ocean fronts.

Mr. Molinelli questioned the distance of beach front at Camp Wahnee. Mr. Stricker noted that it was 90 yards, or 270 feet. Mr. Lippincott questioned how the sand that erodes into the pond is taken out. Mr. Stricker noted that it is removed by hand with a shovel. Mr. Lippincott questioned whether this was acceptable. Mr. Davenport sensed that this is how it has always been done at beaches. Staff questioned whether the commission found it acceptable that maintenance of beaches be done through raking it and/or the method by which the applicant described in terms of piling it. Mr. Molinelli noted the chance of erosion with a rain event should the piling be allowed.

Ms. Marino questioned why putting the sand in piles and sifting through it is the easier method. Mr. Stricker noted that it allows them to get the sand in a concentrated area. He indicated they then go through and by hand sift through for branches and use a SandPro. Ms. Marino questioned how much sand is pulled off of the pile. Mr. Stricker was unsure. Mr. Molinelli requested the applicant have his maintenance person more clearly articulate the process for the commission.

Mr. Stankov questioned the language in the undated letter from Mr. Stricker to this commission regarding his opinion that there has been no adverse impact on water quality as indicated by required state testing for swimming water during the camp season. Mr. Stricker explained that the State office of Early Childhood required the camp to send in water samples three times during the camp season showing that the water is safe for swimming. He noted that the samples were checked for E. coli among other things.

As the commission weighed whether to hold a public hearing, Mr. Molinelli questioned the number of abutting property owners and whether the neighbor who had complained had ever followed up. Staff confirmed that as the property was cited with a violation and a Show Cause hearing scheduled, the complainant had been present for that, but the applicant/property owner had not attended. Mr. Stankov noted that the application had been slow in its forthcoming.

The commission found that a public hearing was not required as there was no new sand being brought in. A request was made that an Affidavit be provided from Mr. Stricker that there is no new sand being brought in. Mr. Stricker had no objection to that.

MOTION: Mr. Davenport, Ms. Krawiecki second, to accept Application IWWC #22-31 Owner: Camp Wahnee Associates Applicant: Camp Wahnee Location: 128 Wahnee Road Proposal: Maintenance of Sandy Beach, finding the proposed activity as not significant; unanimously approved.

E. IWWC#22-35 408 East Wakefield Boulevard Applicant: Mark Beecher Owner: Robert Birney and Patricia Birney Proposal: Relocate Propane Tank.

Mark Beecher appeared before the commission regarding this application. He explained that his clients were seeking to relocate the buried propane tank closer to the dwelling to avoid the removal of a hemlock tree. He explained that it would also avoid burying it in an area that they suspect has a lot of ledge. It was noted that this application was a modification of an existing permit, wherein a different location for a buried propane tank had already been approved.

MOTION: Ms. Mulvey, Mr. Paganelli second, to accept and approve Application IWWC#22-35 408 East Wakefield Boulevard Applicant: Mark Beecher Owner: Robert Birney and Patricia Birney Proposal: Relocate Propane Tank; unanimously approved.

8. Agent Actions.

A. Determinations.

i. IWWC #22-29 Owner/Applicant: Betty Martin and David Pines Location: 204 Perch Rock Trail Proposal: Replace Bituminous Walkway with Pervious Pavers as Offset to Add Hot Tub.

Mr. Stankov noted that this work had been approved by him.

ii. IWWC #22-30 Applicant: Gary Ferrarotti Owner: Gary Ferrarotti and Ruth Ferrarotti Location: 165 West Road Proposal: After-the Fact Permit for Stumping/Grubbing .7 acres.

Mr. Stankov noted that this work had been approved by him. He noted that this required Planning and Zoning Commission approval, too.

B. Warnings

i. 521 East Wakefield Boulevard.

Mr. Stankov noted that the commission requested this warning be continued on the agenda until all matters were settled pertained to this area.

As Mr. Stankov had previously indicated he would refrain from any discussion regarding this area, he stepped out of the room at 9:54PM. Staff reported that it was her understanding that the buoys were now located in the correct spot. Mr. Molinelli questioned whether the Town's attorney Kevin Nelligan would verify this. Staff reminded the commission that one buoy was supposed to be located legally according to the permit that was received. With regards to the other property the wetlands agent and the commission was advised by Attorney Nelligan that to question the validity of the registration may be construed as municipal estoppel.

Mr. Molinelli shared his concern that an additional application may be submitted where the placement of these buoys may be considered a navigational hazard. Ms. Marino reminded the commission that one buoy was approved through a permit and that based on the legal opinion of the town's attorney, the commission has no right to make any changes to the buoys except to enforce their appropriate placement. Mr. Lippincott concurred. Staff reminded the commission that with any approved structure that later becomes a navigational hazard, it is another matter. The request to relocate or remove would not be due to an improper issuance of a permit but rather because it was found to be a navigational hazard, according to staff.

It was noted that these two warnings would no longer be carried on the agenda.

ii. 523 East Wakefield Boulevard.

This matter was discussed in conjunction with the warning on 521 East Wakefield Boulevard.

Mr. Stankov rejoined the commission at 10:04PM.

As part of the discussion under warnings, Ms. Marino shared her observation with the increase in boats being anchored in the lake and anchored in a way where she believed them to be navigational hazards. She reported that her understanding from Mr. Stankov was that there was nothing in the Inland Wetlands and Watercourses Regulations that reflected that anchoring was not allowed. Mr. Molinelli noted that it may be that the Marine Patrol would advise those anchoring that they could not do so. Mr. Davenport questioned whether this issue had anything to do with wetlands. Ms. Marino noted that the *Dock and Mooring Ordinance* referred to safety.

Discussion ensued about the Marine Patrol and the Highland Lake Marina having a maximum of 40 slips. Staff reminded the commission that the marina's special permit restricted any same day launching. Ms. Marino reported that she believed that there was same-day launching occurring. Mr. Stankov requested evidence on this from anyone who might be able to gather it, if possible. Mr. Molinelli suggested inviting the Marine Patrol to a future wetlands meeting. Ms. Marino suggested contacting the State DEEP to inquire whether there was a maximum number of boats that were allowed per square footage or acreage of lake. Mr. Stankov reported that there had already been a zoning violation issued for trailers being stored at a property on Meadow Street, with the suspicion that they are being launched at the lake. He noted that he would be looking at the marina for a zoning violation for same day launching.

Mr. Stankov noted that this commission did not need to permit any new docks. He noted the town might get sued but that ultimately, this board had the authority to grant docks.

C. Violations.

i. Parcel opposite 215 West Wakefield Boulevard (Preusse)

Mr. Stankov reported having heard the matter was with the Town Manager but had no other information. He indicated he had emailed the Town Manager questioning whether it would be brought to the Board of Selectmen but he had not received a reply.

ii. North Main Street (18.1 acre parcel located behind 493 North Main Street)

Mr. Stankov reported that Attorney Nelligan was currently working out something with the attorney for the owner so that the structures would come down. Mr. Stankov noted that he had heard nothing from Land Surveyor Peter Keefe regarding a survey. Mr. Stankov indicated that he would contact Mr. Keefe soon.

iii. 308 East Wakefield Boulevard

Mr. Stankov reported that the property owner was looking for his third engineer and noted that he would contact the property owner on the day following this meeting.

iv. 713 East Wakefield Boulevard

Mr. Stankov reported that they were still doing the research on this property because the property lines are a mess in this area of East Wakefield Boulevard.

vi. 182 Shore Drive

Mr. Stankov noted that the grass was growing well and was likely resolved with the wetlands violations but that the zoning issues are nowhere near finished.

ix. East Wakefield Boulevard (MBL 032/105G/327) (Koplar)

Mr. Stankov reported having not heard a thing from the property owner. He noted that he had no contact information for this property owner and suggested that he could issue a citation for having ignored the violation for the past two months. Mr. Molinelli requested that there be follow-up on this matter.

x. 257 Colebrook Road

Mr. Stankov reported that the surveyor, Joseph Whyntott, had completed the survey by the end of July and was currently completing the computer work on the topography, the area around the house, and the wetlands delineation.

xi. 203 West Wakefield Boulevard

Mr. Stankov reported that as far as he knew, the waterfront violation had been resolved but had to inspect the day following this meeting for some zoning violations.

xii. 132 Wahnee Road

Mr. Stankov reminded the commission an application on this was pending.

xiv. 240 Perch Rock Trail

Mr. Stankov noted that the property owner was supposed to be at this meeting but that an application was pending.

10. COMMUNICATIONS AND BILLS:

No business discussed.

11. OTHER BUSINESS:

A. Report from Department of Public Works Liaisons – Russ Davenport and Jeff Lippincott.

Mr. Lippincott reported that he had not been able to connect with Mr. Rollins.

B. Report from Highland Lake Watershed Association Liaisons – Jackie Mulvey and Mary Ann Marino.

Ms. Mulvey noted that there was no new report to share.

C. IWWC Suggested Commission Recommendations for Various Project Types.

Mr. Molinelli noted the draft document of recommendations put together by Ms. Marino, Ms. Krawiecki, and Mr. Paganelli that would be discussed at the September meeting.

Mr. Stankov reported that the underground tank removal had been completed at 380 East Wakefield Boulevard with no problems. He reported that the underground tank removal had also been completed at 608 East Wakefield Boulevard but ground contamination was noted and there was remediation continuing. He noted that the State of Connecticut Department of Energy and Environmental Protection was handling the cleanup of the contaminated soil and that he had not heard anything else.

MOTION: Ms. Mulvey, Mr. Molinelli second, to adjourn at 10:20PM; unanimously approved.

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