



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>

July 20, 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, and Gary Paganelli.

Jackie Mulvey was noted as being absent (informed).

3. APPROVAL OF MINUTES – JUNE 15, 2022 REGULAR MEETING:

MOTION: Mr. Davenport, Ms. Marino second, to approve the June 15, 2022 regular meeting minutes; unanimously approved.

4. AGENDA REVIEW.

MOTION: Mr. Molinelli, Mr. Davenport second, to take up *Application IWWC#22-14* prior to the *Public Hearings* for a discussion with the Town's attorney Kevin Nelligan; and to add under *Other Business* as Item C. *IWWC Suggested Commission Recommendations for Various Project Types*; unanimously approved.

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.

Mr. Stankov reported having spoken to Mr. McTigue the previous afternoon who had indicated that plans were being modified to address some structural issues and had therefore sought a continuance.

B. IWWC#22-14 Applicant/Owners: Michael Goncalves and Desiree Goncalves Location: 524 East Wakefield Boulevard Proposal: Install Dock.

Mr. Molinelli reported Mr. Paganelli's confirmation that he had the opportunity to listen to the audio of the entire June 15, 2022 regular meeting which would thereby allow his full participation in the discussion of applications at this meeting. Ms. Marvin noted that she had not had the opportunity to review the audio and accordingly, would be recusing herself from all business up until the *New Business* items.

Mr. Stankov indicated that there had been an enormous amount of applications and contention about 524 East Wakefield Boulevard. He reported that he had spent a lot of time discussing with the property owner and with the owners of the surrounding properties and noted that at this point, he did not want any of the conversations that he had to start to confuse things, nor counterman Attorney Nelligan, who is the town's legal expert in this matter because the applications were becoming very technically legal. For the purpose of any applications that come in on this property, he indicated that he would step out of the room and allow the guidance to come from Attorney Nelligan to be sure that the commission is making the absolute correct legal decisions and will return following these matters, Mr. Stankov indicated.

Mr. Stankov exited the meeting room at 7:05PM.

Noting that neither the applicant nor a designated representative was present for this application, and the one following, Mr. Molinelli noted the options available to the commission in review of these matters. Mr. Lippincott questioned whether there had been public hearings scheduled. Mr. Molinelli reminded the commission that the applicant had submitted a revised proposal at the June meeting and had assumed that there would be no need for a public hearing. However, Mr. Molinelli noted that the commission decides whether there should be a public hearing.

Staff noted that going forward, as the commission is considering structures within the littoral boundaries, which by a requirement of the *Dock and Mooring Ordinance* requires a public hearing, there should also be some due consideration given, with a formal finding on the record, whether a public hearing is only being scheduled as a result of the ordinance or whether it would also be scheduled due to public interest or significant activity.

Mr. Molinelli polled commissioners on whether a public hearing should be scheduled. Mr. Lippincott and Ms. Marino indicated that a public hearing in the public interest was warranted. Mr. Davenport and Ms. Krawiecki agreed.

MOTION: Ms. Krawiecki, Ms. Marino second, to schedule a public hearing, due to public interest, for Application IWWC#22-14 Applicant/Owners: Michael Goncalves and Desiree Goncalves Location: 524 East Wakefield Boulevard Proposal: Install Dock for August 17, 2022 at 7PM in the P. Francis Hicks Room of Town Hall;

Motion passed with Mr. Molinelli, Mr. Davenport, Mr. Lippincott, Ms. Krawiecki, Ms. Marino, and Mr. Paganelli while Ms. Marvin abstained.

C. IWWC#22-15 Applicant/Owners: Michael Goncalves and Desiree Goncalves Location: 522 East Wakefield Boulevard Proposal: Install Lift.

Mr. Molinelli reported the confirmation received from Mr. Paganelli that he had the opportunity to listen to the audio of the entire June 15, 2022 regular meeting thereby allowing his full participation in the discussion of applications at this meeting. Mr. Molinelli reported the confirmation received from Mr. Paganelli that he had the opportunity to listen to the audio of the entire June 15, 2022 regular meeting thereby allowing his full participation in the discussion of applications at this meeting.

MOTION: Ms. Krawiecki, Ms. Marino second, to schedule a public hearing, due to public interest, for Application IWWC#22-15 Applicant/Owners: Michael Goncalves and Desiree Goncalves Location: 522 East Wakefield Boulevard Proposal: Install Lift for August 17, 2022 at 7PM in the P. Francis Hicks Room of Town Hall;

Motion passed with Mr. Molinelli, Mr. Davenport, Mr. Lippincott, Ms. Krawiecki, Ms. Marino, and Mr. Paganelli while Ms. Marvin abstained.

Mr. Stankov reentered the meeting room at 7:26PM, following the discussions on 524 East Wakefield Boulevard and 522 East Wakefield Boulevard.

D. IWWC #22-18 Owner/Applicant: Town of Winchester Location: Wallens Street and Stowe Road, Map 023/Block 151/Lot 017 Proposal: Installation of New 529,000 Gallon Drinking Water Storage Tank, Water Main, & Associated Site Work Construction.

Department of Public Works Director Jim Rollins, accompanied by Professional Engineer James DeSellier and Town Project Administrator Bart Clark, appeared before the commission regarding this application. Mr. Rollins noted that an existing 1.5M-gallon water tank exists at the site currently. He explained that it will be removed and a new smaller tank will be installed a little bit farther up on the hill. This work was still being engineered, according to Mr. Rollins. He indicated that tank has been out of service for a few years and just has not been removed. Mr. Rollins noted that the tank has been shaped and sized for the town's system, explaining the town has guidelines regarding how much water should be available through reserves. He noted that for a town the size of Winchester, there should be 2M gallons in reserve.

Mr. DeSellier reviewed the site plan on a large monitor in the meeting room, noting the wetlands were outlined in blue on the plan. He reported that there was effort to keep the location of the new tank away from the wetlands and regulated area. The work contained within the regulated area include installation of an access road and laying of drain pipes so that the water can be collected in a swale and cross into the wetlands. Mr. DeSellier noted the locations of the trench drains and a footing drain around the foundation of the tank, all of which drains out into a level spreader. The level spreader was included in the unlikely event the tank overflows, according to Mr. DeSellier. He explained that a lot of things would have to go wrong for that to happen including a failure in the pressure reducing valves, the other side of town would have to fail, and the new altitude valve in this vault would all have to fail.

For slopes that are 3:1, matting is being provided, according to Mr. DeSellier. He noted that the slopes over that are shaded in green. Mr. DeSellier noted that silt fence will outline the work area and an anti-tracking pad was included to prevent the mud from being tracked into the roadway. Mr. DeSellier reviewed the utility connections and the catch basin protection on both of the two catch basins.

Mr. Molinelli questioned when the project would get started and be completed. Mr. Rollins indicated that it should begin in the fall and be done by next summer. Some discussion followed on the funding of the project.

The hearing was open to the public.

Donald Goetz of 201 Stowe Road questioned whether there would be any blasting necessary for the construction of the new tank or for the demolition of the old tank. He shared his concerns for his well and the wells of his neighbors.

Mr. DeSellier reported soil testing having been completed and had found no rock in that area, including the area where there will be a cut in the hillside. In the unlikely event that rock is encountered, the specifications call for the rock to be removed by mechanical means, such as with a rock hammer, according to Mr. DeSellier.

Mary Pollack of 502 East Wakefield Boulevard questioned whether the water just sits in the tanks until it is needed.

Mr. Rollins noted that the prior tank was so large, the water would need to be drained so that fresh water could enter. He indicated that this tank is sized appropriately so as the level of the water in the tank at Crystal Lake goes down, the water is constantly being turned over.

Rachel Gagnon of 1 Stowe Road questioned whether trees will be removed, noting her close proximity to the site. Mr. DeSellier referenced the silt fence as the line depicting the extent of the tree line removal. He noted that a landscape architect had been engaged as part of this project who has designed screening that will prevent the viewing of the tank from the area houses.

MOTION: Mr. Davenport, Mr. Lippincott second, to close the public hearing for IWWC #22-18
Owner/Applicant: Town of Winchester Location: Wallens Street and Stowe Road, Map 023/Block 151/Lot 017
Proposal: Installation of New 529,000 Gallon Drinking Water Storage Tank, Water Main, & Associated Site Work Construction; unanimously approved.

E. IWWC #22-19 Owner/Applicant: Town of Winchester Location: 338 Winchester Road Proposal: Installation of New 691,000 Gallon Drinking Water Storage Tank, Water Main, SCADA Upgrades, and Associated Site Work Construction.

MOTION: Mr. Molinelli, Mr. Paganelli second, to open the public hearing; unanimously approved.

Department of Public Works Director Jim Rollins, accompanied by Professional Engineer James DeSellier and Town Project Administrator Bart Clark, appeared before the commission regarding this application.

It was noted that this project was at the existing water treatment plant, with Mr. Rollins noting that the 1M-gallon tank at this location was currently the only water tank functioning in the system. He explained that typically a system the size of Winchester should have 2M gallons or 2½ days' worth. With the two improvements presented at this meeting, the projected water storage will work.

Mr. Rollins explained why the proposed location was the only spot that would work. Mr. DeSellier noted that the existing tank is taller but is buried into the ground. He indicated that the proposed new tank will not be buried into the ground as it will sit on a concrete foundation and has its elevation set from the overflow. To minimize the height of the tank and the visual impacts, there is drainage included in the plans around the base of the cut slope and the overflows will go into a level spreader, according to Mr. DeSellier.

Mr. DeSellier noted that the slope was 4:1 on this project and reviewed the erosion control, explaining that matting was to be used on any slope greater than 3:1.

Mr. Molinelli questioned the length of the construction process. Mr. DeSellier estimated it as a few months. Mr. Rollins indicated that it would be completed during the same time.

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

MOTION: Mr. Molinelli, Mr. Paganelli second, to close the public hearing on Application IWWC #22-19 Owner/Applicant: Town of Winchester Location: 338 Winchester Road Proposal: Installation of New 691,000 Gallon Drinking Water Storage Tank, Water Main, SCADA Upgrades, and Associated Site Work Construction; unanimously approved.

F. IWWC #22-20 Owner/Applicant: Town of Winchester Location: Highland Lake Proposal: New 5-Year Drawdown Schedule for Highland Lake.

Will Platt, Ellen Babcock, and Jen Perga appeared before the commission regarding this application. They reviewed the reasons why the schedule was proposed as presented including the environmental considerations that were reviewed. Ms. Perga noted that previous excessively long drawdowns caused floating bogs in the bottom of the lake. Photographs were shared with the commission of examples of this.

Ms. Babcock noted that the Ad Hoc Water Committee recognized the increase workload of this commission during a year with deep drawdowns and were therefore suggesting an additional deep drawdown, 48", to the proposed five-year schedule. Mr. Davenport questioned whether this had ever been done before. Mr. Platt indicated that this new short deep-drawdown has not been done before.

The typical 36" drawdown was discussed, noting that is the level maintained until the threat of ice in the area of the spillway is done.

Ms. Marino questioned whether the bog effect has ever been seen in December. Mr. Platt indicated that he had not.

Mr. Rollins noted how the gate is monitored to maintain the water levels that are adopted through this policy.

The hearing was open to the public.

John Pollack of 502 East Wakefield Boulevard questioned how this proposed schedule was different from the previously adopted schedule. Mr. Platt noted the addition of a 48" drawdown for a one-year occurrence which would have in the past been 36". Mr. Pollack shared his concerns with when the gates would be closed. It was noted that they would be closed on December 15th.

The public hearing was closed.

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.

No business was discussed as the public hearing had been continued to the August 17th regular meeting.

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 receiving a request for a continuance and a request for relief from the As-built survey as the matter will be returning to the Zoning Board of Appeals. The request for that relief was not granted.

MOTION: Mr. Molinelli, Mr. Davenport 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 pursuant to the applicant's request; unanimously approved.

C. IWWC#22-14 Applicant/Owners: Michael Goncalves and Desiree Goncalves Location: 524 East Wakefield Boulevard Proposal: Install Dock.

This application, under *Old Business*, was discussed earlier in the agenda while Attorney Nelligan was present to lend counsel regarding the public hearing.

MOTION: Ms. Marino, Mr. Paganelli second, to continue the Dock and Mooring application related to IWWC#22-14 to August 17, 2022, the next scheduled meeting, in the P. Francis Hicks Room of Town Hall; Town Hall;

Motion passed with Mr. Molinelli, Mr. Davenport, Mr. Lippincott, Ms. Krawiecki, Ms. Marino, and Mr. Paganelli while Ms. Marvin abstained.

MOTION: Ms. Marino, Mr. Davenport second, that we direct Pam Colombie to contact the applicant and seek an extension of the timeframe of the public hearings of Application(s) IWWC#22-14 and IWWC#22-15. If it is denied or unresponsive, the applications (both the dock and mooring application and the wetlands application) will be deemed denied without prejudice for both the wetlands applications

Motion passed with Mr. Molinelli, Mr. Davenport, Mr. Lippincott, Ms. Krawiecki, Ms. Marino, and Mr. Paganelli while Ms. Marvin abstained.

D. IWWC#22-15 Applicant/Owners: Michael Goncalves and Desiree Goncalves Location: 522 East Wakefield Boulevard Proposal: Install Lift.

This application, under *Old Business*, was discussed earlier in the agenda while Attorney Nelligan was present to lend counsel regarding the public hearing.

MOTION: Ms. Marino, Mr. Paganelli second, to continue the Dock and Mooring portion of the application related to IWWC#22-15 to August 17, 2022, the next scheduled meeting, in the P. Francis Hicks Room of Town Hall;

Motion passed with Mr. Molinelli, Mr. Davenport, Mr. Lippincott, Ms. Krawiecki, Ms. Marino, and Mr. Paganelli while Ms. Marvin abstained.

This application was also part of a motion under Old Business, IWWC #22-14, in reviewing the statutory timeframe for the opening of public hearings.

E. IWWC #22-18 Owner/Applicant: Town of Winchester Location: Wallens Street and Stowe Road, Map 023/Block 151/Lot 017 Proposal: Installation of New 529,000 Gallon Drinking Water Storage Tank, Water Main, & Associated Site Work Construction.

MOTION: Mr. Davenport, Mr. Paganelli second, to approve Application IWWC #22-18 Owner/Applicant: Town of Winchester Location: Wallens Street and Stowe Road, Map 023/Block 151/Lot 017 Proposal: Installation of New 529,000 Gallon Drinking Water Storage Tank, Water Main, & Associated Site Work Construction, 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 July 20, 2022, 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 deficiency 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. Dock registration to be submitted to the Wetlands Office.

Motion passed with Mr. Molinelli, Mr. Davenport, Mr. Lippincott, Ms. Krawiecki, Ms. Marino, and Mr. Paganelli while Ms. Marvin abstained.

F. IWWC #22-19 Owner/Applicant: Town of Winchester Location: 338 Winchester Road Proposal: Installation of New 691,000 Gallon Drinking Water Storage Tank, Water Main, SCADA Upgrades, and Associated Site Work Construction.

MOTION: Mr. Davenport, Mr. Paganelli second, to approve Application IWWC #22-19 Owner/Applicant: Town of Winchester Location: 338 Winchester Road Proposal: Installation of New 691,000 Gallon Drinking Water Storage Tank, Water Main, SCADA Upgrades, and Associated Site Work Construction, subject to the standard 1-12 conditions;

Motion passed with Mr. Molinelli, Mr. Davenport, Mr. Lippincott, Ms. Krawiecki, Ms. Marino, and Mr. Paganelli while Ms. Marvin abstained.

G. IWWC #22-20 Owner/Applicant: Town of Winchester Location: Highland Lake Proposal: New 5-Year Drawdown Schedule for Highland Lake.

MOTION: Mr. Davenport, Mr. Lippincott second, to approve Application IWWC #22-20 Owner/Applicant: Town of Winchester Location: Highland Lake Proposal: New 5-Year Drawdown Schedule for Highland Lake;

Motion passed with Mr. Molinelli, Mr. Davenport, Mr. Lippincott, Ms. Krawiecki, Ms. Marino, and Mr. Paganelli while Ms. Marvin abstained.

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.

Nancy Connole appeared on behalf of her brother, the owner/applicant James Maguire. Ms. Connole distributed a drawing, noting that her existing dock, from her property, was depicted in red. She noted that it was her plan to locate her dock to this property. The dock configuration, depicted in the color black on the drawing, is what she planned to purchase for her own property, according to Ms. Connole. The proposal for this application was being modified, Ms. Connole confirmed.

Ms. Marino questioned whether it would be attached to the deck on the land. Ms. Connole believed that the dock is tied to poles on the shorefront. Ms. Marino indicated the commission needed more information on precisely how the dock was going to be installed. Ms. Connole noted that the dock rests on shore. She indicated that she would like to request this application be continued.

MOTION: Ms. Krawiecki, Mr. Lippincott second, to continue Application 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 to the August meeting;

Motion passed with Mr. Molinelli, Mr. Davenport, Mr. Lippincott, Ms. Krawiecki, Ms. Marino, and Mr. Paganelli while Ms. Marvin abstained.

I. IWWC #22-23 Owner/Applicant: Michael Connole and Nancy Connole Location: West Wakefield Boulevard (Map 113, Block 121, Lot 11A, 23-24) Proposal: 22'x4' Dock with 12'x12' Float.

Nancy Connole appeared before the commission regarding this application. She noted that this dock system, as depicted on the drawing distributed earlier, had not yet been purchased but would go on legs to stay put. Mr. Molinelli noted that the proposed new deck system requested appeared to be a 4'x10' section followed by a 4'x12' section leading to three 10'x4' sections which would in effect, create a T.

MOTION: Ms. Krawiecki, Mr. Paganelli second, to approve Application IWWC #22-23 Owner/Applicant: Michael Connole and Nancy Connole Location: West Wakefield Boulevard (Map 113, Block 121, Lot 11A, 23-24) Proposal: 22'x4' Dock with 10'x12' section at the end;

Motion passed with Mr. Molinelli, Mr. Davenport, Mr. Lippincott, Ms. Krawiecki, Ms. Marino, and Mr. Paganelli while Ms. Marvin abstained.

The commission recessed at 8:59PM and reconvened at 9:04PM.

J. IWWC #22-25 Owner: Town of Winchester Applicant: Little Red Barn Brewery Location: 32 Lake Street Proposal: Construction of Egress Patio, Stairs, and ADA Ramp in Rear Parking Area of Phase II; Removal of Contaminated Soil.

Nils Johnson appeared before the commission regarding this application. Department of Public Works Director Jim Rollins indicated that he was appearing on behalf of the Town after Mr. Molinelli recalled that the Town Manager had appeared at the last meeting on this.

Mr. Molinelli noted that the contaminated soil remains where it was. Mr. Rollins explained that the soil treatment facility has closed as it had reached capacity. He reported that the licensed environmental engineer (LEP) was searching for another place to take it. Mr. Molinelli questioned whether Mr. Rollins knew a timeframe. Mr. Rollins indicated that he did not have one.

Mr. Molinelli questioned whether the rest of the application could move ahead with the contaminated soil still there. Mr. Rollins indicated that the area that Mr. Johnson would be working is outside of the area where the haybales are, confirming that it could.

Noting that this was a modification to a 2019 approval, Mr. Johnson noted that a patio will be added that will be used for egress and for the customers in the expansion.

Mr. Stankov reminded Mr. Rollins that the two had spoken to address the concerns from the June meeting regarding the water being captured in a way so as to avoid any runoff directly into the river. Mr. Rollins indicated that the whole back of the site, where the pile is and where the expansion of the patio will be installed, funnels over to the river and the old, failed retaining wall that had held up the edge of the parking lot. Mr. Rollins reminded the commission that Mr. Davenport had questioned whether the stormwater could be treated or how it could be treated. He referred them to the current location of the dumpsters and reported that there was a catch basin underneath there that had a pipe that goes through the retaining wall and discharges down grade. He confirmed that the area could be graded and paved, so that the water flows into that catch basin with little effort and opined that should be where the water is sent. Mr. Davenport questioned the condition of the catch basin. Mr. Rollins indicated that he could not see the condition of the basin as the dumpster was over it but had gone over the bank to review the condition of the outlet pipe, finding it to be a corrugated metal pipe which was, more or less, intact. Mr. Davenport questioned the condition of the pavement under the contaminated soil. Mr. Rollins noted that the pavement likely extends halfway through the pile but that the remaining would be characterized as "fill pavement". Mr. Davenport questioned whether the area would be paved. Mr. Johnson confirmed, noting however that he could only comment on the patio. Mr. Stankov noted that the plan still indicates that every part of the site is supposed to be paved as part of this next project. Mr. Davenport questioned whether the commission really had missed the opportunity to make any improvements to drainage. Mr. Stankov reported that it was noted back in the 2018/2019 application, that rather than doing extensive digging to do upgrades to drainage, the goal was to just to allow the water to sheetflow towards the river. Mr. Davenport noted that all of the water is directed towards the catch basin, noting that there was no sheetflow in the back area.

Ms. Krawiecki questioned whether Mr. Johnson was a tenant and the Town owned the property. Mr. Johnson explained that Parker Benjamin owns the building, the town owns the property, and that he was the tenant looking to expand. Mr. Davenport indicated that he had thought that it was up to the building owner but it was the Town that owned the site. Mr. Rollins noted that the Town owns the property but was unclear what the agreements with the Town were, but understood that Parker Benjamin would be doing the paving. Mr. Rollins questioned if Mr. Stankov knew. Mr. Stankov indicated that the Town was waiting for the environmental attorney to get back on this after having questioned Attorney Nelligan. He noted that the environmental attorney needed to research this. Mr. Davenport noted that there was a lot of water running toward the river and a lot of water running under the building and that this should be noted that as this building moves forward,

there are a lot of issues with water quality and with water flowing directly into the river. Ms. Marino shared the concern, noting that the survey indicates that as the area is going to be repaved at this time, the drainage should be addressed. Mr. Johnson indicated that it had already been approved and that the patio is just a modification. As he and Mr. Stankov have been going back and forth for a month with contact being made with the environmental attorneys that wrote the Environmental Land Use Restriction (ELUR), they both had been trying to figure out what can be done and whether it was better to leave it, according to Mr. Rollins. He opined that this was separate from this application.

It was noted that the patio will be excavated, and will include footings. Mr. Stankov reported that the environmental land use attorneys verbally communicated that there were recent revisions to the rules that govern ELURs to allow work to occur on the sites under the supervision of an LEP more easily. With regards to the excess fill from the excavation necessary for the footings, Mr. Johnson indicated that would be encapsulated. Mr. Molinelli questioned whether the advice from the attorney should be in writing before the commission moves forward with a decision. Mr. Stankov opined that it was not necessarily needed. Mr. Molinelli questioned whether anything from them would be provided from them that would have a negative impact on the decision of this commission. Mr. Stankov opined that it would not as it comes down to the how and whether all soil that was excavated would need to remain on site or who it would have to be done under. He suggested that a condition of approval could be that all of the information be provided to the Planning Office before the digging gets going. Mr. Molinelli questioned whether it possible that the owner, in the future, take a position against the request of the applicant. While Mr. Stankov initially confirmed the owner of the building had signed the application, he noted that it was the town manager who had signed the application. Mr. Paganelli questioned whether if the applicant disturbs and encounters more contaminated earth, the town absorbs the cost. Mr. Rollins opined that what will be excavated for the footings will be encapsulated into the raised patio area. He noted that the LEP confirmed that all that was necessary was an LEP be on site to document what is going on and had confirmed that some of the known contaminated soil could be used for that patio. Mr. Rollins expected the existing pile to be reduced as it is used for fill for the patio. Mr. Davenport questioned whether it likely to get rid of the whole pile. Mr. Rollins did not think so.

Ms. Marvin questioned why the dumpster was located right along the river. Mr. Rollins presumed that there was nowhere else. Mr. Paganelli questioned the size of the inside of the catch basin. Mr. Rollins indicated that he could not see because the dumpster was on top of it. Mr. Paganelli questioned whether if there was a sump, it could come up.

Mr. Molinelli questioned whether the applicant had three years to finish the project under the previous approval. Staff noted that the developer's original application had indicated that the buildout would be completed within three years but that approvals are now good for 14 years under the legislation passed during the pandemic.

Mr. Stankov indicated that he would provide updates to this commission from the environmental attorneys. Staff questioned whether the commission would like to review proposed stormwater improvements if they are permissible according to the environmental attorneys. Mr. Molinelli confirmed that the commission would want to review those in the form of a modification.

MOTION: Mr. Davenport, Mr. Lippincott second, to approve Application IWWC #22-25 Owner: Town of Winchester Applicant: Little Red Barn Brewery Location: 32 Lake Street Proposal: Construction of Egress Patio, Stairs, and ADA Ramp in Rear Parking Area of Phase II; Removal of Contaminated Soil, subject to the standard 1-12 conditions and the following special conditions:

13. All excavation to be monitored by LEP and provide reports to the Wetlands Agent.

14. Cash erosion and sedimentation bond of \$1000 will be submitted to the Inland Wetlands office;

Motion passed with Mr. Molinelli, Mr. Davenport, Mr. Lippincott, Ms. Krawiecki, Ms. Marino, and Mr. Paganelli while Ms. Marvin abstained.

K. IWWC#22-26 Applicant/Owner: Shane and Emily Dawe Location: 348 West Wakefield Boulevard Proposal: 10'x30' Dock, 10'x'10' Boatlift, 6'x6' Jetski Lift, 8' Wide Trampoline, and 1 Buoy.

Shane Dawe appeared before the commission regarding this application. Mr. Dawe noted that the jetski lift, boat lift, and dock were approved in 2007. He indicated that the proposal was to approve the trampoline and buoy.

Mr. Paganelli questioned whether there was any limit to the number of structures for a given waterfront. It was noted that this proposal fell within. It was noted that there was approximately 100' of waterfront. Mr. Molinelli questioned the purpose of the buoy. Mr. Dawe explained that they may want to use it for a kayak.

MOTION: Mr. Lippincott, Ms. Krawiecki second, to approve Application IWWC#22-26 Applicant/Owner: Shane and Emily Dawe Location: 348 West Wakefield Boulevard Proposal: 10'x30' Dock, 10'x'10' Boatlift, 6'x6' Jetski Lift, 8' Wide Trampoline, and 1 Buoy;

Motion passed with Mr. Molinelli, Mr. Davenport, Mr. Lippincott, Ms. Krawiecki, Ms. Marino, and Mr. Paganelli while Ms. Marvin abstained.

7. NEW BUISNESS:

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. Silver explained that he was requesting a buoy so as to allow a kayak. Mr. Stankov noted that in reviewing this application, file, and property, there had been construction of the retaining wall, a retaining wall by the road, and some stairs leading into the lake installed between 2014 and 2015. He noted that he had reached out to the engineer who had prepared the plans for the 2007 application for the lake wall rebuild who had recollected an approval being obtained for that work. However, Mr. Stankov reported having reviewed the files and seeing no such approvals.

Mr. Stankov distributed copies of an updated plan reflecting an as-built of the lake wall. He also noted that the base between the lake wall and the retaining wall is sand. Mr. Stankov noted that the 2007 approval called for fill behind the lake wall but did not indicate what that fill would be. Mr. Lippincott noted the sand appeared to be enclosed between the two walls nicely.

Noting that there were two buoys indicated on the plan, Mr. Stankov questioned whether either one was there. Mr. Silver explained that there was one there that may belong to 538 West Wakefield Boulevard but encroaches into his littoral boundary. The other buoy is red and may serve as an alert about a pile of rocks in the lakebed, according to Mr. Silver. Mr. Molinelli questioned how far out Mr. Silver was seeking to install his buoy. He indicated it was around 20'. Mr. Molinelli noted that the drawing does not depict the size of the dock or boatlift. Mr. Silver noted the dock was 19' long. Mr. Molinelli indicated the structures appear to possibly fall within the littoral boundary. Mr. Stankov suggested that an updated survey would be advisable.

Mr. Stankov noted that the professional engineer had indicated the retaining wall was built correctly. He questioned whether an independent engineering review should be obtained, or the applicant should have an engineer discuss with the commission how this wall was built. Mr. Stankov indicated that he was already in contact with the engineer. Ms. Marvin questioned why sand was utilized for the fill. Mr. Davenport was doubtful that the sand comprised the entire fill. Mr. Molinelli noted that the wall was only designed by the engineer but the construction was not necessarily overseen by him. Mr. Silver noted the engineer indicated that the construction had been overseen by the town. Mr. Stankov indicated that he had no record of that. Noting that there are no known problems in this area, Mr. Davenport was inclined to forgo a deep dive into the engineering/construction of the wall(s).

MOTION: Mr. Davenport, Mr. Lippincott second, to accept Application IWWC #22-27 Owner: James Silver and Magdalena Silver Applicant: James Silver Location: 543 West Wakefield Boulevard Proposal: Install a

Buoy, Retaining Wall, and Four Sets of Steps, and to submit information to clarify the as-built retaining wall, finding the activity as not significant; unanimously approved.

B. IWWC #22-28 Owner: George Mackiewicz and Diane Mackiewicz Applicant: George Mackiewicz Location: 332 East Wakefield Boulevard Proposal: Replace Approved Gabian Wall with Field Stone Retaining Wall; Add Set of 6' Steps to Wall Area; and Add Pervious Patio.

George Mackiewicz appeared before the commission regarding this application. He explained that he is seeking a modification to his 2019 approval to rebuild a house. Mr. Mackiewicz noted that he had marked up the plans originally prepared by Professional Engineer Michael Sherman. Depicted in pink was the original approval including the rebuild of the house, a garage, a pervious paver driveway and walkway, and because the property slopes down from the road to the lake, a Gabian wall, according to Mr. Mackiewicz. Depicted in orange was the modified 2020 approval that included a rebuild of the lake wall and a cantilever deck, according to Mr. Mackiewicz. He noted that the proposal now includes a replacement of the Gabian wall to a field stone wall broken up by a set of stairs, 6' wide, and to add a 34.5' x 11.25' patio with pervious pavers in the back of the house.

Mr. Mackiewicz presented a letter stamped by Mr. Sherman opining that the replacement of walls will not adversely affect the drainage pattern on the site.

Mr. Stankov explained that when contacted by Mr. Sherman about what should be contained within his letter, he communicated that he needed an indication that the wall replacement was not going to change the drainage patterns. A Gabian wall is a wire cage filled with whatever rock is nearby to stabilize things, according to Mr. Stankov. Mr. Stankov opined they are not nice looking but are very permeable to water. Mr. Stankov reported that he was unsure whether Mr. Sherman had recalculated the hydrology of the site with the wall replacement, noting that Mr. Sherman had not prepared the modified site plan.

Mr. Davenport noted that he had visited the site and reported that there was a rain garden and was comfortable with the proposal. Mr. Molinelli recalled the site being fairly level. Mr. Mackiewicz reported that he was planning to bring in 10" to 12" of topsoil to build the area back up, noting that the area on the low side of the wall will be flattened. Staff questioned whether grades were being changed too, noting the plan depicted an elevation of 892'. Mr. Stankov indicated that they were not. Mr. Mackiewicz indicated that he was not changing the grades from the original plan prepared by Mr. Sherman.

Mr. Molinelli questioned whether another engineer should review the modification. Ms. Krawiecki noted that she was curious how the new fieldstone wall would compare with the Gabian wall. Mr. Stankov noted the detail did not include information with how water would percolate through it. Mr. Paganelli noted that water would not penetrate it. Mr. Davenport noted that it was not a steep slope. In response to the proposed patio and the planned driveway, Mr. Mackiewicz confirmed that they would be pervious.

MOTION: Mr. Davenport, Mr. Paganelli second, to accept and approve Application IWWC #22-28 Owner: George Mackiewicz and Diane Mackiewicz Applicant: George Mackiewicz Location: 332 East Wakefield Boulevard Proposal: Replace Approved Gabian Wall with Field Stone Retaining Wall; Add Set of 6' Steps to Wall Area; and Add Pervious Patio, subject to the standard 1-12 conditions; unanimously approved.

C. 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.

Betty Martin and David Pines appeared before the commission regarding this application. Mr. Pines explained that they were seeking to replace a 150 square feet of a walkway with pervious pavers. Mr. Molinelli questioned whether Mr. Stankov was comfortable with an agent approval. Mr. Stankov confirmed, noting that he would likely not require silt fence as it may cause more disturbance than needed.

MOTION: Mr. second, to accept Application 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 and refer for an agent determination; *unanimously approved.*

D. 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.

Gary Ferrarotti appeared before the commission regarding this application. Mr. Stankov reminded the commission that this application was received in response to an enforcement action. He noted that Mr. Ferrarotti had cleared .7 acres of mature pine trees. With more than .25 acres of clearing, the zoning regulations require the matter to be reviewed by this commission to be sure there are no issues with erosion, according to Mr. Stankov. He noted that there will be fruit trees planted. Ms. Marvin questioned whether there has been any regrowth of vegetation. Mr. Ferrarotti indicated that he intended to mow it. Mr. Lippincott questioned whether the grade exceeded 15% on this area. Mr. Stankov confirmed, noting that the application will need a Special Permit from the Planning and Zoning Commission. Mr. Ferrarotti indicated that the area exceeding the 15% was not cleared. Mr. Stankov explained that the tree line will need to be called out on the survey and what was cleared. He opined that at this point, it would require approval from the Planning and Zoning Commission.

MOTION: Mr. Lippincott, Mr. Davenport second, to accept Application 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 and refer for an agent determination; unanimously approval.

8. Agent Actions.

A. Determinations.

Mr. Stankov reported that there have been no agent determinations over the past month. Mr. Molinelli questioned the status of the applications with the removal of the underground tanks. Mr. Stankov noted that he had only issued one that he had previously discussed.

B. Warnings/Violations.

i. Parcel opposite 215 West Wakefield Boulevard (Preusse)

Mr. Stankov noted that in a way, the matter is resolved as the property owner is not seeking to do anything else. He explained that they understand they need approval from the Board of Selectmen to do anything else. It was noted that there may be fees still due the Town for the work undertaken by the Department of Public Works with a portion of the embankment along the road's edge.

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

Mr. Stankov noted that the matter was still pending in court and indicated that the reported sale fell through. Attorney Nelligan indicated that the attorney representing the buyer has communicated that his client would be taking down the buildings.

iii. 308 East Wakefield Boulevard

Mr. Stankov reported that the property owner had deemed the first engineer too expensive and that the second engineer he had retained got sick with COVID. He noted that the property owner was currently shopping for a third engineer.

iv. 713 East Wakefield Boulevard

Mr. Stankov reported that this property was in "design" with Land Surveyor Peter Keefe.

v. West Wakefield Boulevard (Connole)

Mr. Stankov noted that this matter had been dispensed with through the approval granted earlier at this meeting.

vi. 182 Shore Drive

Mr. Stankov noted that the gravel was removed, and that the area had been covered with seed which was growing.

vii. 521 East Wakefield Boulevard

Mr. Stankov exited the meeting room at this point.

Staff updated the commission on this, noting that this property had been issued a friendly letter. She reported receipt of an inquiry from the owner questioning why the property was being carried on the agenda as a violation. She suggested carrying this type of situation under a separate heading, *WARNINGS*, in the future. The consensus of the commission was that this property and the following property should continue to be carried on the agenda in that heading until such time the other applications in the area of 524 East Wakefield Boulevard are decided and/or until a report is provided to the Commission on how the matter was resolved.

viii. 523 East Wakefield Boulevard

Staff updated the commission on this, noting that this property had been issued a friendly letter. She reported receipt of an inquiry from the owner questioning why the property was being carried on the agenda as a violation. She suggested carrying this type of situation under a separate heading, *WARNINGS*, in the future. The consensus of the commission was that this property and the following property should continue to be carried on the agenda in that heading until such time the other applications in the area of 524 East Wakefield Boulevard are decided and/or until a report is provided to the Commission on how the matter was resolved.

Mr. Stankov rejoined the commission.

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

Mr. Stankov reported having heard nothing from the property owner.

x. 257 Colebrook Road

Mr. Stankov reported having heard from the property owner's surveyor at which time he communicated the need for a survey, topography, and location of wetlands. The surveyor had hoped to have something to him by the end of July, according to Mr. Stankov.

xi. 203 West Wakefield Boulevard

Mr. Stankov reported that some of the unpermitted dock system has been removed but that a small section remained. He noted that this had been communicated to the owner who provided assurances that it would be completed.

xii. 132 Wahnee Road

Mr. Stankov reported the property owner has indicated twice that he would bring in an application but to date had not done so yet. Mr. Stankov suggested citations if no application is received by August.

xiv. 240 Perch Rock Trail

Mr. Stankov noted that he had communicated with the engineer who had confirmed the work would be permitted but that nothing had been received.

10. COMMUNICATIONS AND BILLS:

A. Hinsdale School Community Open House – Tuesday, August 30, 2022 – 4PM to 6PM

Mr. Molinelli noted that the commission had been provided with a copy of the invitation for an open house scheduled for Hinsdale School.

11. OTHER BUSINESS:

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

Mr. Rollins reported that DPW was sweeping streets, explaining that they don't clean basins this time of year. He reported that the department had purchased a blower that shoots things away from the lake as it mows. Mr. Rollins noted while that ideally, according to the EPA, basins are cleaned twice per year, his department is lucky if they can get to them once every three years. He noted that the area around the lake is done more frequently.

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

No report given.

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 a future meeting.

Finally, Mr. Molinelli reminded the commission that an invitation had been extended from George Closson

MOTION: Ms. Mulvey, Mr. Davenport second, to adjourn at 11:06PM; unanimously approved.

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