



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>

June 15, 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 (7:04PM), and Jackie Mulvey.

Leanne Marvin, Gary Paganelli, and Kurt Timmeney were absent excused.

3. APPROVAL OF MINUTES – MAY 18, 2022 REGULAR MEETING:

MOTION: Ms. Krawiecki, Ms. Marino second, to approve the May 18, 2022 regular meeting minutes; unanimously approved.

4. AGENDA REVIEW.

MOTION: Ms. Krawiecki, Mr. Lippincott second, to modify the Agenda to add under **Agent Determinations**, Application IWWC#22-07, Applicant/Owner: James Lawson Location: 106 Sucker Brook Road Proposal: Install/Repair Existing Septic System, and the application for Owner: Gervais Jouvin and Kathryn A. French Location: 182 Shore Drive Map: 114 Block: 105B Lot: 103104 Installation of Drainage Pipe, and to add under **New Business**, 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; unanimously approved.

5. PUBLIC HEARINGS:

None.

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.

A public hearing is scheduled for the July 20, 2022 regular meeting at 7PM at Town Hall.

MOTION: Mr. Davenport, Ms. Krawiecki second, to continue Application IWWC#22-08 to the July 20, 2022 regular meeting; unanimously approved.

B. IWWC#22-10 (Modification of IWWC#21-40) Applicant: Richard Josefek and Carol Josefek Location: 104 Shore Drive Proposal: Add Retaining Wall Between Driveway and House.

Richard Josefek appeared before the commission regarding this application. Mr. Josefek explained that a 2½' retaining wall had been added to the end of the driveway. He noted that the proposal also included a 4' expansion to the deck to the side of the addition to accommodate the relocation of the main entrance. Mr. Stankov indicated that in visiting the site, it can be noted that the driveway does not drop off significantly but that the soil cut required a retaining wall. He noted that the impervious surface coverage, even with the addition, was being reduced significantly. Mr. Stankov opined that this was a very reasonable request.

Mr. Lippincott questioned whether an assumption can be made that the water will all flow the same way as it had previously. Mr. Stankov confirmed.

MOTION: Mr. Davenport, Ms. Mulvey second, to approve Application IWWC#22-10 Applicant: Richard Josefek and Carol Josefek Location: 104 Shore Drive Proposal: Add Retaining Wall Between Driveway and House Modification of IWWC#22-03, #21-40, and #18-02 - Add Retaining Wall Between Driveway and House, noting Conditions 1-12 are standard Inland Wetland Commission Conditions and the following additional conditions determined by the Inland Wetlands Commission:

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 February 16, 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.
13. Cash erosion and sedimentation bond of \$1500 will be submitted to the Inland Wetlands office;
unanimously approved.

**C. IWWC#22-11 Applicant/Owner: Sherwood Dawson Location: 538 West Wakefield Boulevard
Proposal: Reconstruct Residence and Decking; New Walks and Retaining Walls.**

Professional Engineer George Cotter and Consulting Town Planner Martin Connor appeared before the commission regarding this application.

Noting that this application and IWWC#22-12 were by the same applicant/owner, Mr. Molinelli questioned whether they should be considered simultaneously. Mr. Cotter agreed. As the following application was tied to this one, the two were considered at the same time.

Mr. Cotter reported that this application was before the commission in 2007 to reconstruct a wall along the lake and the reconstruction of a house. In 2014, Mr. Cotter noted a request had been made to add a well on the other side of the street along with a driveway on that parcel. As the permit had lapsed, his client returned to this commission, but time had run on that application without receiving the approval, according to Mr. Cotter. He noted that the driveway activity has since been eliminated and that the request was now limited to the well. Mr. Cotter explained the proposed activity was for a temporary cut on the property, with silt fence protection, to get vehicle access up onto the property in order to drill a well and to construct a water lateral to the house.

Noting that the project involves no direct activity in a wetland, Mr. Cotter explained that the work within the upland review area includes construction of the structure, a deck, the addition of retaining walls with stairs down 6' or 7', a smaller retaining wall between 538 West Wakefield Boulevard and the one to the east. Previously the water in this area had discharged directly to the lake but with the construction of the lake wall, which now has a 3" lip on the wall, any runoff from the property will be reabsorbed into the ground and then eventually back to the lake, according to Mr. Cotter. He noted the proposed rain garden for the roof runoff and the footing drain. Mr. Cotter confirmed that there was no direct discharge off the property and noted that all of the water would be absorbed and slowly recharge back to the lake. He indicated a permeable parking space was included adjacent to the proposed structure.

Mr. Molinelli questioned whether there was any proposed work to the lake wall. Mr. Cotter indicated that there would not be. Mr. Molinelli questioned how the water would discharge into the lake. Mr. Cotter explained that it was a pervious block wall with stone behind it with joints at every block to allow the water to slowly recharge. He indicated that the sand filter for the raingarden will also allow the water to be absorbed more rapidly through the soil into that area of stone behind the block wall.

Mr. Molinelli questioned how the work involving the well would be managed. Mr. Cotter indicated that the contractor will excavate the road. He indicated that this commission and the Town had approved this work in the past, in 2014, and would be done in accordance with the Town's regulations.

With regards to the work necessary for the well, Mr. Stankov noted that the site would have to be de-vegetated in order to get their equipment up there and would also need to do a temporary cut. He requested that Mr. Cotter address how steep that slope is currently and the resulting slope. Mr. Molinelli noted that the proposal would involve going well off the edge of the pavement to get to the proposed location for the well. Mr. Cotter confirmed. He referred to the lot adjacent to this one that had put in a well in the same regard. He noted that the property has been cleared of large vegetation and that the slope was a grassy slope with some small, 2' high vegetation had returned. Mr. Cotter noted that only the scrub vegetation would be removed and then stabilized with erosion blankets and reseeded upon completion of the well. Mr. Molinelli questioned whether there had been any determination on whether there was any ledge at this spot. Mr. Cotter opined that there was none, noting that the parcels on either side had not hit any.

Staff reminded the commission that when this proposal had been before them in 2020, an independent engineering review had been sought at that time. Following the submittal of the plans to that independent engineer, as an estimate for costs was being calculated for said review, the consulting engineer had shared his initial concerns with the area of work for the well as being far greater than the work immediately adjacent to the lake, according to staff. It was noted that the independent review was ultimately not completed, and time ran out on the application. Mr. Cotter indicated that the concern must have been with the proposed grading down to road level, a 25' wide driveway back 50'. He noted that there was a significant amount of excavation, 700 cubic yards, to do that with the potential increase of runoff but not for this temporary access for a well. Mr. Cotter noted that there would be no permanent change to the property.

Mr. Connor, noting his 35 years of experience including service to this town, opined that this proposal was not a significant activity and that there was no need to send the application out for an independent engineering review.

Mr. Davenport questioned what sort of vegetation would be used to restore the area. Mr. Connor indicated that it is what would normally be requested on a steep slope with the filter fabric to stabilize the slope. Mr. Cotter indicated that it was a low growth mix. Mr. Molinelli questioned the duration of time the work on the well parcel will take. Mr. Cotter estimated it to be one week.

Ms. Krawiecki questioned the lakewall. Mr. Cotter noted the wall was already done with it being 3" higher than the grass along it. Ms. Krawiecki questioned how wide the excavation for the trench from the well would be. Mr. Cotter indicated that it would be a maximum of 3'. Mr. Molinelli questioned whether that would be completed in one day. Mr. Cotter confirmed, noting that it has to be buried down 4½' to 5'.

MOTION: Mr. Davenport, Ms. Krawiecki second, to accept and approve Application IWWC#22-11 Applicant/Owner: Sherwood Dawson Location: 538 West Wakefield Boulevard Proposal: Reconstruct Residence and Decking; New Walks and Retaining Walls and Application IWWC#22-12 Applicant/Owner: Sherwood Dawson Location: West Wakefield Boulevard Proposal: Install a Well and Temporary Access to Install Well, finding the proposed activities as not significant, subject to the standard 1-12 conditions along with the following:

13. Cash erosion and sedimentation bond of \$1500, on both properties with one bond, will be submitted to the Inland Wetlands office;

unanimously approved.

D. IWWC#22-12 Applicant/Owner: Sherwood Dawson Location: West Wakefield Boulevard Proposal: Install a Well and Temporary Access to Install Well.

This application was approved as part of the review of Application IWWC#22-11.

E. 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 that he had met with the applicant earlier on the date of this meeting and had communicated that Land Surveyor John DiCara had been injured and down for the past month and had been therefore unable to produce the requested documentation. As a result, Mr. Lapointe was requesting a continuance, according to Mr. Stankov. Mr. Molinelli recalled that this proposal had been in review for some period of time. Mr. Stankov noted that it had been subject to a violation for some time but that the application was just received at the May meeting.

MOTION: Ms. Krawiecki, Ms. Mulvey 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 July 20th regular meeting; unanimously approved.

As there were two applications by two different parties on the same property, the commission opted to hear testimony from their legal counsel, Kevin Nelligan, at this point in the meeting.

Mr. Stankov reminded the commission of their previous request for the town's attorney, Kevin Nelligan, provide a written, legal comprehensive review of who has the right to apply for a permit on a property and what "access" means. Mr. Stankov reported that 524 East Wakefield Boulevard has seven (7) access easements granting individuals rights to pass and repass over it.

Attorney Nelligan appeared before the commission reminding them that he had provided a letter dated June 9, 2022, responding to questions that arose at a prior meeting. He explained that the Dock and Mooring Ordinance allows someone to apply even though they don't own the property so long as they have legal access to the body of water. He explained that what complicates matters is, that if the application requires an Inland Wetlands permit because the activity is significant or involves activity on someone else's property, the regulations require the owner to sign. Attorney Nelligan explained that the *dock & mooring application* need only be signed by the person who has a right to the water. Mr. Molinelli questioned what the distinction was between a *wetlands application* and a *dock & mooring application*. Mr. Davenport noted that there was no *dock & mooring application* only and that all docks and moorings, and water items, are reviewed through a wetlands application.

Mr. Stankov advised the commission that the State's Inlands Wetlands and Watercourses Act allows docks and buoys in a wetlands or watercourse as an as-of-right activity. He explained that the commission is empowered to grant things that are regulated, which is any activity that is not explicitly granted under Section IV of the Inland Wetlands and Watercourses Regulations, such as gardening, landscaping, docks, and buoys. Mr. Stankov explained that a wetlands application is not required for as-of-right activities. He noted that the ordinance kicks in for other things. Attorney Nelligan explained that if docks or buoys are not a regulated activity, the application should be under the *Dock and Mooring Ordinance* and not under a wetlands application. Mr. Molinelli indicated that this commission had never reviewed it this way. Mr. Lippincott concurred. Attorney Nelligan advised the commission that they should.

Attorney Nelligan reiterated that if a party has a right over another person's property, that party has a right to make an application for any of the items contained within the *Dock and Mooring Ordinance*. Mr. Molinelli questioned whether a signature of the owner was required. Attorney Nelligan confirmed, noting however, that if the item is going to attach to someone else's property, like an attached dock, a wetlands permit, signed by the owner, would be needed.

Noting that an application had been received from the owner of 523 East Wakefield Boulevard who has access over 524 East Wakefield for a dock at 524 East Wakefield Boulevard, Mr. Molinelli questioned whether the owner of 524 East Wakefield Boulevard needed to sign. Attorney Nelligan confirmed. Mr. Molinelli questioned whether a buoy, or anything that is not attached, could be requested through an application in that same situation. Attorney Nelligan confirmed, noting that the owner of 523 East Wakefield Boulevard could make application on his own. He reminded the commission about the legal settlement that prohibited docks at this property. Mr. Molinelli noted that the language prohibited the "storing" of docks but was silent about what occurs in the water. Attorney Nelligan later confirmed that a free-floating dock could be sought by the owner of 523 East Wakefield Boulevard from this commission because it is not attached to the land.

Ms. Marino reminded the commission that there had already been a buoy approved for 523 East Wakefield Boulevard. Mr. Stankov reminded the commission that one buoy had been approved by a former Inland Wetlands Commission and that was for the then owner of 521 East Wakefield Boulevard tied to the 524 East Wakefield Boulevard parcel. He reported that a buoy permit was never approved by the Inland Wetlands Commission for 523 East Wakefield Boulevard but was instead issued a registration by former Wetlands Agent Steve Sadlowski following the verbal confirmation of a recollection by his predecessor, former Wetlands Agent Scott Eisenlohr. While the *Dock and Mooring Ordinance* provided for a registration process of both conforming

and non-conforming docks, it was supposed to cease upon passing of the ordinance, according to Mr. Stankov. The process continued for seven to eight years following the adoption of the ordinance but was mostly done by the early 2000s, according to Mr. Stankov. He then requested that Attorney Nelligan provide guidance on municipal estoppel, noting that if staff signed off on something, it should be honored. Mr. Molinelli questioned whether because the item was in the water, it was necessary to come before this commission. Mr. Stankov reminded the commission that docks and moorings are as-of-right activities.

Assuming that there are already two existing permits at 524 East Wakefield Boulevard with neither belonging to the owner of the property, Mr. Molinelli questioned whether the owner would be out of luck with getting a dock. Attorney Nelligan indicated that he would need to further research that scenario, noting that the Ordinance does not address that. He noted that the Commission should, in either case, review the criteria contained within the ordinance especially as to whether the area is already too clustered with buoys thereby creating a navigational hazard. Ms. Marino referred to the judgment prohibiting a dock. Mr. Molinelli and Mr. Stankov noted the judgment only prohibited the storing of a dock and did not address a dock going into the water. She questioned whether Attorney Nelligan interpreted a dock attached to a property would preclude it.

Ms. Mulvey opined a dock in this area would create a safety hazard. Ms. Marino agreed. Mr. Stankov noted that buoys, even if already permitted, can be revoked if deemed to have created, or are creating, a navigational hazard.

Mr. Lippincott questioned whether the property owner's rights supersede those rights of a party who only has access rights. Attorney Nelligan was uncertain and requested more time to research and review. He was inclined to think that permitting in these types of cases are first-come, first-serve.

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

Michael Goncalves appeared before the commission. Mr. Molinelli noted that the proximity of the proposed structure to the littoral boundaries required a public hearing but understood from staff that the Town had not posted the notice in time and the hearing would therefore open in July. Mr. Goncalves noted that he intended to modify his request, thereby foregoing a need for a public hearing.

After initial discussion clearing up confusion over what the applicant was submitting, staff noted that the modification distributed to the commission was not a new application but should be reviewed as supplemental submittals. The commission indicated that they were inclined to continue the matter given the length of the agenda. Mr. Goncalves requested to address several earlier points made by Mr. Stankov. Mr. Molinelli indicated that there would be no discussion as the Minutes would contain the comments of Mr. Stankov.

MOTION: Ms. Krawiecki, Ms. Mulvey second, to continue Application IWWC#22-14 Applicant/Owners: Michael Goncalves and Desiree Goncalves Location: 524 East Wakefield Boulevard Proposal: Install Dock to the July 20th regular meeting; unanimously approved.

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

The application was continued to the July 20th regular meeting.

H. IWWC#22-16 (Modification of IWWC#21-27) Applicant: Denise Pratt Owner: Kenneth Pratt and Eleanor Pratt Location: 225 West Wakefield Boulevard Proposal: Add Stone Along Driveway Edge. Denise Pratt and Kenneth Pratt appeared before the commission regarding this application. Mr. Pratt provided a brief history behind his purchase of this property, including the recent multiple violation notices he had received for cutting trees near wetlands and installing stone along his driveway. He explained that he would also like to fill in the cavity of an old cellar for a planned house from long ago. Mr. Stankov confirmed that there were two violations issued on this property. He reported that he had not previously approved any

changes on drainage. Mr. Pratt noted that the improvement to his driveway was not on this parcel but was on the driveway leading up to his home at 219 West Wakefield and the neighbor at 215 West Wakefield. He indicated that he had sought and received the approval of Department of Public Works Director Jim Rollins.

MOTION: Ms. Krawiecki, Mr. Lippincott second, to approve Application IWWC#22-16 (Modification of IWWC#21-27) Applicant: Denise Pratt Owner: Kenneth Pratt and Eleanor Pratt Location: 225 West Wakefield Boulevard Proposal: Add Stone Along Driveway Edge, subject to the standard conditions;
unanimously approved.

The commission recessed at 8:43PM and reconvened at 8:50PM.

8. NEW BUSINESS:

A. IWWC#22-17 Applicant/Owner: Greenwoods Trail Location: 390 Winchester Road Proposal: Demolition of Building.

Owen Langhart appeared before the commission regarding this application accompanied by his demolition contractor, Bill Eichner. Mr. Stankov reported that Mr. Langhart was seeking a referral for an agent determination for the proposed demolition of a 43'x75' building located approximately 75' from the lake. Mr. Stankov indicated that the building has already partially collapsed and was located on a fairly steep slope. He noted that the contractor had relayed to him that there would be no digging required because there were no piers for the building and that there would be no site disturbance. Silt fence had already been installed, according to Mr. Stankov.

Mr. Eichner reported that the building will be brought down to the first floor, explaining that it will gingerly be taken down so that building pieces will be taken across the first floor and relocated to the baseball field up above where the dumpsters will be accessed. Once the building is gone, the floor will be taken down, according to Mr. Eichner. He indicated that there were not piers of any kind as it was constructed on large field stones with 4"x12" prickles to support the floor joists. Mr. Eichner explained that frost had moved the stones and the building had shifted.

MOTION: Mr. Lippincott, Ms. Krawiecki second, to refer Application IWWC#22-17 Applicant/Owner: Greenwoods Trail Location: 390 Winchester Road Proposal: Demolition of Building for an agent determination; unanimously approved.

B. 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 Town of Winchester Project Manager Bart Clark and Professional Engineer James DeSellier of Lenard Engineering, appeared before the commission regarding this application. Mr. DeSellier reviewed the drawings, noting the project for the new water storage tank includes an access drive leading to it. He explained that the work will include excavation of the current hillside, filling in the downslope, adding drainage, and some slope interceptors. The work, occurring within the upland review area, will include discharge of the water tank overflow, some drainage improvements including a 12" pipe under the access drive, and a paved access drive near the wetlands, according to Mr. DeSellier. He noted that a sediment and erosion control measures detail page were included along with a construction sequence and a detail on dewatering should ground water be encountered.

Mr. Molinelli questioned the type of equipment to be utilized during the project. Mr. DeSellier indicated excavators, cranes, and bulldozers. Mr. Rollins noted the proposed accessway off of Stowe Road will be a new driveway. Mr. Davenport noted the steep topography and the cuts/fills necessary for the work. Mr. DeSellier confirmed, noting that the area will be built into the hillside and needs to match the elevation of the two pressure releasing valves that are on the other side of town, which sets the elevation of the tank. Mr. Stankov questioned the amount of clearing necessary. Mr. DeSellier referred him to the limits of disturbance

depicted on the plan. Mr. Rollins indicated that the site work will begin over the fall, with the site sitting over the winter, followed by the tank construction beginning in the spring.

MOTION: Ms. Marino, Ms. Mulvey second, to accept 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, and to schedule a public hearing in the public interest for July 20, 2022 at 7PM at Town Hall; unanimously approved.

C. 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.

Department of Public Works Director Jim Rollins, accompanied by Project Manager Bart Clark and Professional Engineer James DeSellier of Lenard Engineering, appeared before the commission regarding this application. Mr. Rollins explained that the tank in the previous application will work with this tank. He noted that <500K gallon tank will be added at this location to the current 1-million-gallon tank. Mr. DeSellier noted the areas of excavation to create a flatter area and the area to be utilized for construction staging. The drainage improvements will include a curtain drain at the base of the slope as well as a footing drain, according to Mr. DeSellier.

MOTION: Ms. Krawiecki, Mr. Davenport second, to accept 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 and finding the activity to be in the public interest, to schedule a public hearing for July 20, 2022 at 7PM at Town Hall; unanimously approved.

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

Willard Platt of the Highland Lake Watershed Association, accompanied by fellow Water Level Policy Committee member Ellen Babcock, appeared before the commission regarding this application. Mr. Platt shared a power point presentation on the proposed Five-Year Water Level Policy. It was noted that drawdowns are undertaken mostly to allow homeowners to do maintenance on their walls and shorelines and must be done in an environmentally sound manner. Mr. Platt reminded the commission that previous excessively long drawdowns have caused floating bogs in the bays which have brought the bottom of the lake up onto people's shores and public beaches. Mr. Platt shared photographs of what those floating bogs have looked like, reminding the commission that Resha Beach was closed for a whole year once due to them. He noted that the committee's recommendations for this next drawdown policy was based on the following research: Highland Lake Water Quality Report based on evaluations from the 2008-2016 drawdowns, and Highland Lake Scorecard.

Mr. Platt shared the proposed schedule which included 36" down in 2022-2023, 48" down in 2023-2024, 36" down in 2024-2025, 84" down in 2025-2026, and 36" down in 2026-2027.

Discussion ensued with Mr. Rollins on how fast the lake can be drawn down with his providing information on how the drawdown affects traffic on Boyd Street.

MOTION: Ms. Krawiecki, Mr. Lippincott second, to accept Application IWWC #22-20 Owner/Applicant: Town of Winchester Location: Highland Lake Proposal: New 5-Year Drawdown Schedule for Highland Lake, and finding the activity to be in the public interest, to schedule a public hearing for the July 20, 2022 regular meeting at 7PM at Town Hall, unanimously approved.

E. IWWC #22-21 Owner: Ryan Bares and Devon Bares Applicant: Frank Bares Location: 636 East Wakefield Boulevard Proposal: Pervious Sidewalk from Drive to House.

Frank Bares appeared before the commission regarding this modification. Mr. Bares explained that after seven years with his construction project, he had sought his final Certificate of Occupancy. Upon doing so, he was advised that the current field conditions do not mirror his approved site plan, notably a sidewalk on the south side of the parcel.

Mr. Lippincott questioned the amount of sidewalk that was added. Mr. Stankov estimated it at 100 square feet. Ms. Krawiecki questioned the maintenance plan. Mr. Barres indicated that he keeps it clean from debris, with an occasional vacuuming.

MOTION: Mr. Lippincott, Ms. Krawiecki second, to approve Application IWWC#22-21, a modification, Owner: Ryan Bares and Devon Bares Applicant: Frank Bares Location: 636 East Wakefield Boulevard Proposal: Add 100' Square Feet of Pervious Sidewalk from Drive to House; unanimously approved.

F. 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 Connoles appeared before the commission regarding this application. Ms. Connoles explained that her brother was requesting a dock for his property. Mr. Stankov reminded the commission that this property had received a violation notice in July, 2021 for a new dock that had been observed. Ms. Connoles confirmed that the angled dock depicted on the plan had been removed. Ms. Marino noted that the proposed float was too large at 12'x12'.

MOTION: Mr. Davenport, Ms. Mulvey second, to accept Application IWWC #22-22 Owner/Applicant: James Maguire Location: West Wakefield Boulevard (Map 113, Block 121, Lot 023024) Proposal: 12'x3½' Dock with 12'x10' Float, finding the proposed activity as not significant; unanimously approved.

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

Nancy Connoles appeared before the commission regarding this application. It was noted again that the maximum width of a dock/float was 10'.

MOTION: Mr. Molinelli, Ms. Mulvey second, to accept Application IWWC #22-23 Owner/Applicant: Michael Connoles and Nancy Connoles Location: West Wakefield Boulevard (Map 113, Block 121, Lot 11A, 23-24) Proposal: 22'x4' Dock with 12'x10' Float, finding the proposed activity as not significant; unanimously approved.

H. IWWC #22-24 Owner/Applicant: Keith Becker and Nancy Becker Location: 524 East Wakefield Boulevard Proposal: 40'x5' Dock with 5'x4 Platform on Easterly Side.

Keith Becker appeared before the commission regarding this application. Mr. Stankov corrected his earlier comments, explaining that as-of right activities with the lake include "...boat anchorage or mooring, not to include dredging or dock construction...". As such, a permit application for a dock would indeed require a landowner's signature. Mr. Becker distributed photographs.

Mr. Becker was questioned whether his proposed dock would be attached to the lake wall. He indicated that it would not be and that he would like to locate it six (6") inches off the wall.

The commission noted that the application lacked the owner's signature. Mr. Becker questioned whether an item that is not attached to the land would not be subject to Inland Wetlands review, noting that was what Attorney Nelligan had indicated. Mr. Stankov indicated that he suspected Attorney Nelligan only shared that opinion based on what he had communicated as "as of right activities". Ms. Mulvey noted that if a dock is not attached to the land, then it is considered a swim float.

The consensus of the commission was that the application was not going to be accepted as it lacked the owner's signature.

I. 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, owner of Little Red Barn Brewery, accompanied by Town of Winchester Town Manager Josh Kelly, appeared before the commission regarding this application. Mr. Johnson explained that he was seeking approval for an outdoor patio that had not been included as part of prior approvals, to be used for egress and handicap access to the event space. Mr. Kelly indicated that he was seeking approval, with the assistance of Department of Public Works Director Jim Rollins, for the Town's removal of contaminated soil behind the building at this location. He explained that the Town is the current owner of the land surrounding the Little Red Barn Brewery and are the stewards of the land. As such, it is the Town's responsibility to make sure that the site is safe and ready, according to Mr. Kelly. He noted that the dirt had been determined to be contaminated and that information had been provided to the commission regarding the type of contamination, heavy metals. Mr. Rollins reminded the commission that the past industrial use of the property left hydrocarbons and heavy metals (petroleum-based lead and arsenic). Mr. Davenport questioned whether another party owned the building but the Town retained ownership of the land. Mr. Kelly confirmed that the party leases the land. Mr. Davenport questioned whether the material came out of someplace within the building. Mr. Kelly indicated the material came from outside the building. Mr. Davenport questioned where the soil originated from. Mr. Rollins indicated the material came from the parking lot between the front of the building and Lake Street, from the front patio area.

Mr. Kelly noted that the developer also expects to excavate for an electrical trench within the upland review area, too. He noted that he and the developer believed it had been noted on previous applications.

Mr. Kelly explained that the contaminated soil needs to be removed as soon as possible for the rest of the development and so that the parking lot can be paved pursuant to the ELUR (environmental land use restriction). He reported that Mr. Rollins had been in contact with a licensed environmental professional (LEP) who would be overseeing the work. As it was currently lacking proper containment, Mr. Kelly opined it more detrimental to allow the soil to remain in its present location/condition. Mr. Stankov explained that off-site removal and off-site handling will be dealt with by the LEP and from what he understood from the LEP, no other State approvals were required. Mr. Stankov explained that the ELUR was a restriction that the Town put itself under when it took custodianship of this land to ensure it was managed properly. The ELUR calls for the site to be capped with asphalt but that this cannot be done until the soil is gone, according to Mr. Stankov. The removal of the soil will include haybales around it while the loading of trucks is conducted, according to Mr. Stankov. He noted that the only additional concern, as communicated to him from Mr. Rollins, is that if the work is done on a dry day, respiratory masks would be necessary by workers. Estimating the volume of material to be 100 cubic yards, Mr. Rollins indicated the soil removal part of the project would take one to two days. Mr. Molinelli questioned what surface was currently beneath the piles of soil. Mr. Rollins thought it likely broken asphalt. Mr. Molinelli suggested the area was already partially capped but would be broken up when the contaminated soil was excavated. Mr. Rollins explained the trick was to be careful when excavating.

Mr. Molinelli questioned when the recapping would occur. Mr. Kelly indicated that it would be as soon as the soil is removed and as soon as Mr. Johnson receives the rest of his approvals. Mr. Davenport questioned whether the capping was already approved. Mr. Stankov confirmed, noting that the original approval called for the whole site to be capped but that up to this point, it has not been. He explained that all the rest of the site with broken asphalt will be paved.

Mr. Davenport questioned how the site drains to a catch basin that appears to flow right into the river. Mr. Stankov noted the 2018 approval had found that making major drainage improvements to the site were ill-

advised. He opined that the current field conditions are worse with exposed contaminated material and suggested that to open up the site more than it already has been to add drainage improvements raises the risks of the conditions.

Mr. Davenport shared his concerns with the current drainage, notably the corner of the site that was the subject of the application. Mr. Molinelli questioned Mr. Rollins as to whether the condition could be improved when the parking lot is paved. Mr. Rollins thought it likely that it could but was unaware whether the area might be a flood plain thereby preventing the location from having any fill added or reduced. He indicated that he could look into it and return with more information. Mr. Davenport noted that if the water could be directed to the river's riprap banks, it would be provided some filtration rather than just immediately discharging into the river.

Mr. Stankov reviewed the location of the electrical trenching.

MOTION: Ms. Marino, Ms. Krawiecki second, to accept Application IWWC #22-25, and let it be known that it's a modification of Application IWWC#18-11, and let it also be noted that the application itself, the cover page of the proposal leaves off the mention of the removal of contaminated soils. We have just discussed that contaminated soil at length, and we approve the removal of the contaminated soil as soon as possible according to the means described in the letter dated June 4, 2022 from Director of Public Works Jim Rollins to the Wetlands Commission regarding 32 Lake Street, Winsted, which is included in our packets. We will continue the rest of the discussion for the proposed construction of egress patio, stairs, ADA ramp in rear parking area of Phase II to the next meeting which is July 20, 2022, and we would like to see a little bit more information on whether there could be drainage improvements, finding the proposed activity as not significant; unanimously approved.

J. 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. Shane and Emily Dawe appeared before the commission regarding this application. Mr. Dawe explained that they were new owners of 348 and 345 East Wakefield Boulevard. He also reported having recently received a violation notice for an unpermitted shed but indicated their intention to promptly remove it. Upon visiting town hall to address that matter, they learned that while their dock and jetski lift had been previously approved and learned about the Dock and Mooring Ordinance. They were seeking to add the trampoline, a mooring, and relocate the jetski lift, according to Mr. Dawe.

Mr. Lippincott requested the applicant provide better dimensions, including how far the docks are from to the sides. Ms. Marino requested a larger size drawing.

MOTION: Mr. Lippincott, Ms. Krawiecki second, to accept 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, finding the proposed activity as not significant but requesting tighter dimensions for the next meeting; unanimously approved.

9. AGENT ACTIONS:

A. Determinations.

No business discussed.

B. Warnings/Violations.

i. Parcel opposite 215 West Wakefield Boulevard (Preusse).

No business discussed.

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

No business discussed.

iii. 308 East Wakefield Boulevard.

No business discussed.

iv. 713 East Wakefield Boulevard.

No business discussed.

v. West Wakefield Boulevard (Connole).

No business discussed.

vi. 225 West Wakefield Boulevard.

No business discussed.

vii. 182 Shore Drive.

No business discussed.

ix. 521 East Wakefield Boulevard.

No business discussed.

x. 523 East Wakefield Boulevard.

No business discussed.

10. COMMUNICATIONS AND BILLS:

No business discussed.

11. OTHER BUSINESS:

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

Mr. Rollins was present for the meeting. Mr. Molinelli questioned whether there was a schedule for storm drain cleaning. Mr. Rollins reported that his department tries to clean storm drains once every three years in town but tries to do the drains at Highland Lake twice per year, once in the spring and once in the fall. He explained that it is swept first, followed by a vacuuming of it, and then another sweep.

While initially requesting a schedule of the cleanings, Mr. Molinelli then clarified that his request was for a progress report, detailing the basins that have had the completed cleanings, be provided. Mr. Rollins questioned whether the commission just wanted information on the cleanings around the lake. Mr. Lippincott indicated that it should include all at the lake and any near a wetland or watercourse.

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

No business discussed.

11. ADJOURN:

The meeting adjourned at 11:10PM.

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