



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

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

**May 18, 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: Andrea Krawiecki, Jeff Lippincott, Mary Ann Marino (7:04PM), Leeane Marvin, Jackie Mulvey, and Gary Paganelli.

Russ Davenport and Kurt Timmeney were absent excused.

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

**MOTION:** Ms. Mulvey, Mr. Paganelli second, to approve the April 20, 2022 regular meeting minutes; unanimously approved.

**4. AGENDA REVIEW.**

Mr. Molinelli remarked that Mr. Lippincott, in the eighteen months or so since his appointment, and Mr. Paganelli, in the eight months since his appointment, have never missed a meeting. He also acknowledged the list of properties with active wetlands permits provided to the commission.

**5. SHOW CAUSE HEARINGS:**

**A. Owner: Gary Koplars Cease and Desist Order Location: East Wakefield Boulevard (MBL 032/105G/327) Violation: Dock Substructure without Permits.**

Mr. Stankov reported that the dock owned by Mr. Koplars had been completely replaced without a wetlands permit, noting that the substructure also appeared to be new. He indicated that the new dock appears to be the same shape and size as what had been there previously.

Gay Koplars was present for the hearing and explained that he had this issue twenty years ago, noting that the posts for the dock are driven into the mud. He pointed to people pulling their docks out every year. Mr. Molinelli suggested an application be submitted. Mr. Koplars questioned why a permit, and the associated fee, was necessary for merely refurbishing his dock. Mr. Molinelli explained that routine maintenance does not require an application/fee, but activity that is within the lakebed does.

It was agreed that an application should be submitted by the property owner and that he should return to this commission for a review of it at the June regular meeting.

**B. Owner: Charles Moriniere Cease and Desist Order Location: 257 Colebrook Road (MBL 016/152/023D) Violation: Construction Ongoing without an Inland Wetlands Permit.**

Neither the property owner nor a designated representative appeared before the commission.

Mr. Stankov reminded the commission that activity at this property had been in front of the commission in 2018. He noted that a house is on the other side of a stream, accessible by a footbridge. Mr. Stankov indicated that there had been removal of a portion of the house at this property and that it had then been reconstructed without any permits whatsoever, including building permits. He reported that it also appeared that the property owner was drawing water from the stream, with a pipe and pump, to service the house.

Mr. Stankov noted that the improvements should require a survey. Mr. Paganelli questioned whether there was excavation. Mr. Stankov noted that he was unsure as he had not been over the footbridge but did not think so. It was reported that a zoning violation has already been issued, too.

**C. Owner: Lee Tenney and Rachel Tenney Cease and Desist Order Location: 203 West Wakefield Boulevard (MBL 113/120/002) Violation: Dock Expansion without Permits.**

Lee Tenney appeared before the commission regarding this matter. He explained that the dock expansion included installing metal docks two years ago and secondly, adding onto an already approved floating dock. Mr. Tenney explained that after being advised by Town Hall that the extensions needed to be removed, he did so. He noted that the extensions are sitting on a floating dock. Mr. Tenney explained they have remained floating as he has been deconstructing a deck at his home across the street.

Mr. Molinelli questioned whether Mr. Tenney was aware that a permit would be required to put the extensions onto his dock. Mr. Tenney confirmed.

**D. Owner: Camp Wah-nee in the Berkshires, Inc. Cease and Desist Order Location: 132 Wahnee Road Map: 041 Block: 157 Lot: 016 Violation: Dumping of Sand into and around Park Pond.**

Neither the property owner nor a designated representative appeared before the commission.

Mr. Stankov reported that David Stricker had phoned his office following the April 20<sup>th</sup> meeting, and that he had communicated to him that this commission upheld the Cease and Desist Order. Mr. Stricker had insisted that his activity is a standard maintenance activity, according to Mr. Stankov. Mr. Molinelli questioned whether anything additional could be done by way of enforcement. Mr. Stankov suggested a citation could be issued if no application is received for the June meeting.

**E. Owner: Sandy Drive Three, LLC Cease and Desist Order Location: 240 Perch Rock Trail Map: 113 Block: 105A Lot: 044-47 Violation: Installation of Patio Without Wetlands Approvals.**

Neither the property owner nor a designated representative appeared before the commission.

Mr. Stankov reported that he has had no contact with the property owner. Mr. Stankov suggested a citation could be issued if no application is received for the June meeting.

**6. PUBLIC HEARINGS:**

None.

**7. OLD BUSINESS:**

**A. IWWC#22-01 (Modification of IWWC#20-56) Applicant/Owner: David Paigo Location: 656 East Wakefield Boulevard Proposal: Break Up of Rocks in Front of Seawall; Relocate 8'x36.5 Cantilever Dock and Boatlift; Reposition Shed.**

David Paigo appeared before the commission regarding this application. Mr. Paigo reminded the commission that he had been requested to provide more details from his contractor on procedure to break up the rocks in front of his lake wall. That had been obtained and provided to the commission, according to staff. Mr. Paigo explained that when his lakewall was rebuilt, the intention had been to remove the rock in front of it but that there was one large rock that was part of the wall. In order to put his boatlift along the wall, the larger rock needed to be shaved down, according to Mr. Paigo. The other rocks that need to be broken up were also discussed.

Mr. Lippincott questioned whether this activity had already been approved as part of his previous application. Ms. Mulvey questioned the number of rocks to be moved or broken up. Mr. Paigo indicated that there were four. Mr. Molinelli questioned when this work would occur, explaining that it could not be completed while the water is up. Mr. Paigo confirmed that it would need to be done during the drawdown, in Fall or Spring. Mr. Molinelli questioned whether the applicant would object to a condition that plywood be placed in the lakebed

where there might be foot traffic going back and forth. Mr. Paigo had no objection to that, confirming that there is no machinery for the work and that it is done with hand tools.

The applicant was reminded that one of the standard twelve conditions is to notify the wetlands agent prior to beginning work.

**MOTION:** Mr. Lippincott, Mr. Paganelli second, to approve Application IWWC#22-01 (Modification of IWWC#20-56) Applicant/Owner: David Paigo Location: 656 East Wakefield Boulevard Proposal: Break Up of Rocks in Front of Seawall; Relocate 8'x36.5 Cantilever Dock and Boatlift; Reposition Shed

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 May 18, 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.

13. The applicant to use plywood to protect the lakebed during the work.

14. Work be done during the drawdown;

*Motion passed with Ms. Krawiecki, Mr. Lippincott, Ms. Marino, Ms. Marvin, Mr. Molinelli, and Mr. Paganelli voting in favor while Ms. Mulvey abstained.*

**B. 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. (PUBLIC HEARING SCHEDULED FOR JUNE 15, 2022).**

No business discussed.

#### **8. NEW BUSINESS:**

**A. 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**

While the activity was initially tabled to the end of the meeting, neither the applicant nor the owner appeared before the commission. This matter was continued to the June 15, 2022 regular meeting.

**B. IWWC#22-11 Applicant/Owner: Sherwood Dawson Location: 212 West Wakefield Boulevard Proposal: Reconstruct Residence and Decking; New Walks and Retaining Walls.**

While the activity was initially tabled to the end of the meeting, neither the applicant nor the owner appeared before the commission. This matter was continued to the June 15, 2022 regular meeting.

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

While the activity was initially tabled to the end of the meeting, neither the applicant nor the owner appeared before the commission. This matter was continued to the June 15, 2022 regular meeting.

**D. 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.**

Don Lapointe appeared before the commission regarding this application. He explained that he was the contractor for this project and that the application was a modification of a 2020 permit. He noted that he had taken pictures of the deck and stairs added to the shed, explaining that he was unaware that a permit was necessary for that. Mr. Lapointe explained that despite being approved for a 12'x16' shed previously, a 10'x14' shed had been installed because the location for the shed was too steep. He explained that 2' of ledge had been hammered out to get the shed in this spot. Mr. Lapointe reported the deck was 9'x7' and was 8' off the lakewall.

Ms. Marino questioned what had been at this property prior to the work, referring to the steps. Mr. Lapointe noted that the site plan had already been approved, including the walls and steps. Staff questioned whether the submitted site plan was accurate noting the stairs that protrude out into the water, noting they were not depicted on the plan. Mr. Lapointe indicated the steps were preexisting. Mr. Stankov confirmed the site plan was not updated, explaining that the deck and deck steps were not depicted. He reported that the site plan reflected three retaining walls but that current field conditions are two retaining walls. Mr. Stankov noted this commission may opt for an updated site plan with current topography and location of walls. Ms. Marino questioned whether as-builts are required for the walls.

Mr. Molinelli questioned why there were deviations from the approved plan. Mr. Lapointe explained that after the first wall was constructed, the grade change was discovered. He reminded the commission of the ledge that is part of this property. He noted after the first wall was put in, they came out to meet the stairs. He reported a change of 2½' in elevation between the first and second wall, so the walls were terraced. There

was discussion by the Building Official that what Mr. Lapointe refers to as two walls is actually one wall, according to Mr. Stankov. He noted that the Building Official had explained that if the distance between the run is not equivalent to the rise between the two retaining walls, then the building code considers it to be one wall.

The consensus was that an updated site plan be obtained.

Mr. Lapointe noted the walls would be tied into the stairs. He indicated the stairs were being poured the day following this meeting.

Mr. Lapointe confirmed that he would get Land Surveyor John Dicara to return to the site for an updated plan which will include top of wall and bottom of wall elevations.

As there was some indication that the commission would visit the site, Mr. Lapointe suggested that access be gained from the driveway of 426 East Wakefield Boulevard. He indicated that he would have that property owner email his client to formalize that permission.

The stairs that Mr. Lapointe were pouring the day following this meeting was questioned. He explained that he was doing concrete steps with granite on top of that.

**MOTION:** Ms. Marino, Mr. Paganelli second, to accept 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, finding the proposed activity as not significant; unanimously approved.

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

Michael Goncalves appeared before the commission regarding this application. He confirmed that his preference was that the commission consider the proposals on this property and that of his other one at 522 East Wakefield Boulevard simultaneously. Mr. Molinelli reminded the commission that similar applications had been received recently on these properties with several public hearings having been held. Mr. Molinelli also reminded the commission that proof of ownership had been established with the Town having contracted for its own title search.

Ms. Marino questioned whether this commission had already reviewed a request for a dock at this property which was subsequently denied and if this was the same proposal. Mr. Goncalves explained that he was seeking a lift on his residence property and a dock on his other property. He noted that he would encroach into the littoral boundary of himself and that he was accordingly okay with that. It was suggested to him that he pursue the waterfront structures this way as he had two options, according to Mr. Goncalves. Mr. Stankov reviewed the changes from the previous applications and these current applications, noting that the lift had previously been proposed for the side of 524. At the last hearing of the previous applications, the request had been modified to locate the lift on the 522 side, according to Mr. Stankov.

Questioning whether this commission has access to the minutes from the previous applications, Ms. Marino recalled that there were concerns from a number of neighbors about boat trapping in this area. Mr. Molinelli requested that the commission be provided with copies of the minutes for the five or six previous meetings for these properties. Ms. Marino also recalled that there were conflicting opinions on the ownership of 524 East Wakefield Boulevard. Mr. Stankov reported that the Town's legal opinion is that if there is a legal right to waterfront access, then it affords a right to make application to put a dock there. He noted that would include anyone with legal access to a private property but not someone with legal access to a public property. Mr. Molinelli requested that this commission be provided with a copy of that written legal opinion.

As Ms. Marino referenced the question of ownership from the previous applications, Mr. Stankov explained that the Town's legal counsel, Kevin Nelligan, has confirmed that Mr. Goncalves has a right to put a dock at 524

East Wakefield Boulevard, or a right to apply. He cautioned the commission against questioning the matter of title, as they should rely upon the legal opinion of the Town's legal counsel, Attorney Nelligan.

Mr. Molinelli requested the commission be provided with copies of the written opinion of Attorney Nelligan regarding the rights to make an application.

Ms. Mulvey questioned the size of the proposed structures. The consensus of the commission was that the size of the requested dock and boat lift be indicated on the plan along with the distances to the neighboring properties.

Mr. Molinelli reported having visited the site (524) and observing a boat attached to a buoy only 10' out from shore. Mr. Stankov reported having sent out friendly letters to the owners of 521 and 523 East Wakefield, noting the locations of their buoys not mirroring what was approved.

Mr. Lippincott questioned the littoral boundaries as they relate to 534 Wheelers Point. Mr. Goncalves noted that his proposed dock would be 18' off the boundary of that property.

Discussion ensued on whether this property is a cove. Mr. Goncalves noted that viewing this area from the air, there is no curvature. He reviewed with Mr. Lippincott an aerial view, utilizing his cell phone. Ms. Mulvey had some initial concern that the Lachance property, or 534 Wheelers Point, was not called out on the plan. Mr. Stankov indicated that it was indeed shown on the plan but was not reflected as belonging to the Lachance's, reminding the commission that ownership changes.

Mr. Molinelli confirmed with staff that the commission would like Attorney Nelligan to be present for the public hearing(s). Mr. Goncalves advised the commission that he disagreed with the opinion of Attorney Nelligan that any part with access to the waterfront can make application for a dock or water structure. He reported that both the ordinance and application require an owner to sign, which had been part of the requirement that Mr. Goncalves produce title. Only after he had produced title, the town's attorney changed his opinion and indicated that one did not need to produce title, according to Mr. Goncalves. Mr. Stankov suggested that Attorney Nelligan can address this with the commission at the June meeting.

**MOTION:** Ms. Mulvey, Mr. Lippincott second, to accept Applications, IWWC#22-14 Applicant/Owners: Michael Goncalves and Desiree Goncalves Location: 524 East Wakefield Boulevard Proposal: Install Dock and IWWC#22-15 Applicant/Owners: Michael Goncalves and Desiree Goncalves Location: 522 East Wakefield Boulevard Proposal: Install Lift and to schedule public hearings for June 15, 2022 at 7PM at Town Hall; unanimously approved.

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

This application was reviewed and considered as part of the discussion for the previous one. It was set for a public hearing for the June 15, 2022 regular meeting at Town Hall.

**G. 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.**

Staff reported this application being received following a Cease and Desist Order. A continuance of the matter was requested.

**MOTION:** Mr. Molinelli, Mr. Paganelli second, to accept 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; unanimously approved.

**9. AGENT ACTIONS:**

**A. Determinations.**

**A. IWWC#22-13 Applicant/Owner: Gervais Jouvain Location: 182 Shore Drive Proposal: Drainage Pipe Replacement and Sod Over Pipe.**

Mr. Stankov reported that he had received an application from Mr. Jouvain but that he had not yet issued a determination. After he does, Mr. Stankov noted it would clear up the existing violation.

Mr. Stankov reported having issued an agent determination for an underground tank removal at 608 East Wakefield Boulevard. He reminded that the tank was removed by M.E. Carroll & Sons. Following the removal, there was evidence of ground contamination which has resulted in his contact with the State of Connecticut Department of Energy and Environmental Protection to advise on next steps, according to Mr. Stankov.

**B. Warnings/Violations.**

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

Mr. Stankov indicated that nothing further has occurred at this property and that the area was stable.

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

Mr. Stankov reported having done a field inspection on April 25<sup>th</sup>, with no additional clearing of trees having been noted. He reminded the commission that a shed, or a horse run, as well as a dwelling having been constructed. Mr. Stankov reported that these new violations were forwarded to Attorney Nelligan. He indicated that there is another court date very soon. The Town Manager has communicated to Attorney Nelligan that he would like faster legal action on this matter, according to Mr. Stankov. He indicated that he had confirmation that Land Surveyor Peter Keefe had been retained to complete a survey of this property but that would take a long while. Mr. Stankov also indicated that he would be visiting the property again for a full site inspection early in June.

**iii. 308 East Wakefield Boulevard.**

Mr. Stankov reported that the property owner had initially met with Lenard Engineering but after being presented with the estimate for the engineering, the property owner was now considering ripping all of the unapproved improvements out but has no concrete plans on what he intends. Even if the go-forward plan to correct is to rip the items out, approval from this commission is necessary, according to Mr. Stankov.

**iv. 713 East Wakefield Boulevard.**

Mr. Stankov reported that the survey had been done.

**v. West Wakefield Boulevard (Connole).**

Mr. Stankov reported having had no contact with the Connoles despite having confirmation from Mr. Keefe that his completed survey had been picked up months ago, in March. He noted that he has refrained from issuing citations because he understood an application would be forthcoming.

The consensus of the commission was that citations be issued.

**vi. 225 West Wakefield Boulevard.**

Mr. Stankov noted that as an application has been received, this property will be removed from the list of violations.

**vii. 182 Shore Drive.**

Mr. Stankov noted that an agent determination will soon be issued so this property will be removed from the list of violations.

**viii. 165 West Road.**

Mr. Stankov reported the owner of this property had been out of the country for the past several weeks but would be returning on the day following this meeting. The property owner had indicated that as he was a landscape architect, he had a friend who was a surveyor and would be engaging him for a survey. Mr. Stankov indicated that he would follow up with him on Monday, May 23<sup>rd</sup>.

**ix. 521 East Wakefield Boulevard.**

Mr. Stankov noted that this had already been discussed.

**x. 523 East Wakefield Boulevard.**

Mr. Stankov noted that this had already been discussed.

**10. COMMUNICATIONS AND BILLS:**

**11. OTHER BUSINESS:**

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

Mr. Paganelli questioned the Town's use of the vacuum truck, noting the Sewer Department had a very good truck that could be used to clean the town's catch basins.

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

**11. ADJOURN:**

**MOTION:** Ms. Mulvey, Mr. Davenport second, to adjourn at 9:12PM; unanimously approved.

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