



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>

March 16, 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, Jeff Lippincott, Leeane Marvin, Gary Paganelli, and Kurt Timmeney

Andrea Krawiecki and Mary Ann Marino were absent excused.

3. APPROVAL OF MINUTES – FEBRUARY 16, 2022 REGULAR MEETING:

MOTION: Ms. Mulvey, Mr. Paganelli second, to approve the February 16, 2022 regular meeting minutes; unanimously approved.

4. AGENDA REVIEW.

The agenda was amended to add *Application IWWC#22-04, Applicant/Owner: Jeffrey S. Olsen 169 West Wakefield Boulevard Proposal: Deck Addition to the Front of the House under Old Business.*

5. SHOW CAUSE HEARINGS:

A. Owner: Kenneth Pratt and Eleanor Pratt Cease and Desist Order Location: 225 West Wakefield Boulevard Map: 113 Block: 120 Lot: 005AA Violation: Construction of Apparent Drainage Swale in Upland Review Area Without Permits.

Neither the owners nor a designated representative were present for the hearing. Mr. Stankov indicated that he was unsure whether the owners had received the notice. He reminded the commission that they had approved an application to construct a house at this location in July of 2021. Mr. Stankov noted that they had cleared trees on the lot originally and had stopped that activity after he had spoken to them and then began clearing again. He explained that the tree clearing was not consistent with their site plan. Mr. Stankov noted that he had conferred with Lenard Engineering who had prepared the design. He noted that there had recently been a crushed stone swale installed along the driveway's edge. Mr. Stankov indicated the swale either needed to be removed or approved by this commission as part of a modification.

Mr. Molinelli questioned whether this had been communicated to the owners. Mr. Stankov confirmed. Mr. Lippincott questioned whether Mr. Stankov thought that swale might have been in that location previously and that stone had been added to it. Mr. Stankov indicated that he did not know.

Mr. Davenport suggested contacting the engineer. Mr. Molinelli disagreed, noting that it is the responsibility of the homeowners. He suggested that in the future it may be a good idea to copy the engineer on *Cease and Desist Orders*.

B. Owner: Gervais Jouvin and Kathryn A. French Cease and Desist Order Location: 182 Shore Drive Map: 114 Block: 105B Lot: 103104 Violation: Installation of a Drainage Pipe Without Wetlands Approval.

Mr. Stankov reported having received a tip that stone had been installed at this site following excavation and the laying of a pipe. He noted that he visited the location and observed field conditions consistent with what had been relayed to him. Mr. Stankov noted the property owner had confirmed that he replaced a pipe that had broken.

Gervais Jouvin was present and distributed photographs of his property. He explained that every time it rained, his yard would bubble. Mr. Jouvin acknowledged pulling the pipe out and replacing it with corrugated pipe along with stone for that and his driveway. He indicated that it was a pipe that leads from his gutter.

Mr. Lippincott questioned whether the previous pipe had daylighted or had gone all the way to the lake, too. Mr. Jouvin indicated that it had gone to the lake. He reported the neighbor having visited him while he was doing the work sharing their concern that the water was now going to be diverted to that property. Mr. Jouvin disagreed with that, noting that the pipe only takes the water from his gutter. Mr. Molinelli questioned whether it was a preexisting pipe. Mr. Jouvin confirmed. He explained that he had only recently purchased the property a year ago.

Mr. Stankov confirmed the site was stable with no additional earth disturbance. He opined that the work could be considered maintenance. He noted that there was no drainage located on the plans in the files for this property. Mr. Lippincott recalled this house not being very old as it may have been constructed about 15 years ago and was surprised that there was no site plan for it. Mr. Stankov confirmed that there was a site plan but did not see any engineered plans to include any drainage.

Mr. Davenport questioned whether the water was supposed to be daylighted so as to filter it out. Mr. Molinelli polled commissioners on whether there likely would have been an approval for the activity if an application had been made. The consensus was that there would have been. Mr. Jouvin agreed to submit an application and a fee.

Prior to concluding with the discussion on the matter, Ms. Marvin questioned whether the area flooded during a rain event. Mr. Jouvin indicated the yard is generally soggy and flat.

MOTION: Mr. Molinelli, Ms. Mulvey second, to uphold the Cease and Desist Order, pending an application from the property owner and to refer it to the Wetlands Agent for a determination; unanimously approved.

6. PUBLIC HEARINGS:

None.

7. OLD BUSINESS:

A. IWWC#21-47 Applicant/Owner: Neil A. McGuinness Location: 512 West Wakefield Boulevard Proposal: Add New Dock on Easement; Add Extension to Existing Dock; Add Float.

Neither the applicant nor a designated representative were present for the meeting. Mr. Stankov reported having spoken with Mr. McGuinness who had relayed that he had not understood that two applications were going to be necessary. Mr. Stankov reminded the commission that the applicant intended to install structures on both 512 West Wakefield Boulevard and 504 West Wakefield Boulevard. He explained that Mr. McGuinness had indicated his preference that the proposed work on 504 West Wakefield Boulevard be put aside for now as he was more interested in the proposed additions to 512 West Wakefield Boulevard.

The discussion was tabled to the end of New Business.

B. IWWC#21-49 Applicant/Owner: Chris Chinnock Location: 244 Perch Rock Trail Proposal: Front Door Overhead.

Neither the applicant nor a designated representative were present for the meeting. Mr. Stankov reported the applicant's request to withdraw his application.

C. 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 explained that he was seeking a modification of a permit that had been received by Matt Closson. He reminded the commission that Mr. Closson had sought and received approval to pull out a cement pier in the spot intended for his boatlift. Under the pier, there were several rocks that Mr. Closson was unable to remove, according to Mr. Paigo. He explained that in order to get his boatlift in that spot, he was hiring a company to come and break up the rocks. Mr. Molinelli questioned how far out into the water the rocks were. Mr. Paigo noted that the rocks are part of the seawall that juts out into the lake. Mr. Lippincott questioned if that was where the boatlift was supposed to go. Mr. Paigo confirmed. Mr. Molinelli questioned whether Mr. Paigo was proposed to relocate the cantilever dock. Mr. Paigo indicated that he was not.

Mr. Stankov explained that the proposal includes the request for the cantilever dock and the shed as they were not installed according to the previous approval. The dock had been planned for the southern edge of the property, but it is instead closer to the north, in the general location of where the dock had been previously, according to Mr. Stankov. He noted that the shed was rotated 90° from where it was originally approved. Staff explained that Mr. Closson had conferred with the office prior to locating it and was advised that it must meet the ordinance and not fall within the littoral boundaries which would require a public hearing. Additionally, it had been explained that the next time the owner had an application with the commission, it was necessary to locate it/permit it then, according to staff.

Mr. Lippincott questioned whether the rocks to be removed were part of the pier that had already been approved to be removed. Mr. Paigo confirmed. Mr. Paganelli questioned how the contractor was intending to remove the rocks. Mr. Paigo indicated that he was intending to jackhammer them. Mr. Davenport noted that he was inclined to want to see a scope of work from the contractor with a plan on the work to be undertaken including whether silt fences would be utilized. He explained the commission would want to ensure that if a jackhammer is indicated, the work undertaken doesn't then include an excavator. Mr. Paigo explained that the plan was to drill the rock and fill the holes with a compound that expands. Mr. Paganelli questioned whether the plan was to take the rock right out. Mr. Paigo confirmed. Ms. Mulvey questioned whether it was just a rock or whether it was a shelf holding up the wall, noting that it appeared as if it were a shelf with the wall constructed on top of it. Mr. Molinelli questioned what the advantage was with taking out the rock. Mr. Paigo explained that he had a pontoon boat and wanted to install the lift right at the lake wall so as to let people walk onto the boat off of the seawall. Ms. Mulvey questioned whether there was an option to put the lift somewhere else. Mr. Paigo indicated that there really wasn't which is why he undertook the expense to remove the pier. Mr. Molinelli questioned how far away the water was to the lake wall currently. Mr. Paigo indicated that with the water drawn down as it was, one could walk out about ten (10') feet. Mr. Molinelli requested more information be put together ahead of the next meeting.

Mr. Davenport questioned whether all of the work would be done by hand. Mr. Paigo confirmed. Mr. Paganelli noted that the rocks will likely have to be cut pretty small if they are to be removed by hand. Ms. Marvin questioned what the plan was if the sea wall came down after the rocks were removed. Mr. Paganelli noted that would not happen as the rocks were only being shaved. Mr. Molinelli questioned whether it was possible that the dock could span the rocks to allow less of them needing to be removed. Mr. Molinelli requested that Mr. Stankov verify that there wasn't concrete when he visits the site.

MOTION: Ms. Mulvey, Mr. Davenport second, to continue the application to the next regular meeting scheduled for April 20, 2022; unanimously approved.

**D. IWWC#22-02 Applicant: Ricky Mears, Alfred Benesch & Company Owner: Town of Winchester
Location: Case Avenue over Mad River Proposal: Bridge Rehabilitation.**

Professional Engineer Ricky Mears, accompanied by Town of Winchester Project Manager Bart Clark, appeared before the commission regarding this application. Mr. Molinelli questioned whether the Town would be doing the work or whether it would be put out to bid. Mr. Mears confirmed that the work would be put out to bid.

MOTION: Mr. Davenport, Mr. Paganelli second, to approve Application IWWC#22-02 Applicant: Ricky Mears, Alfred Benesch & Company Owner: Town of Winchester Location: Case Avenue over Mad River Proposal: Bridge Rehabilitation, subject to the following standard conditions (1-12) and additional 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 March 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. Dock registration to be submitted to the Wetlands Office;

Motion approved with Mr. Davenport, Mr. Lippincott, Ms. Marvin, Ms. Mulvey, Mr. Paganelli, and Mr. Timmeney voting in favor while Mr. Molinelli abstained.

E. IWWC#22-04 Applicant/Owner: Jeffrey S. Olsen Location: 169 West Wakefield Boulevard Proposal: Deck Addition to the Front of the House.

Jeffrey Olsen appeared before the commission regarding this application. Mr. Olsen explained that the proposal was to add a deck onto the front of his home, in front of his sunroom's sliding glass door. He noted that currently the doors lead to nothing, and he was unsure why. Mr. Olsen explained that this deck would also provide an egress area, noting that there was egress to the rear of the home but not at the front.

It was noted that this property was opposite the lake. Mr. Molinelli questioned whether the application required approval from the Zoning Board of Appeals. Mr. Stankov confirmed that it had already been received. Mr. Olsen indicated that there was likely seven sonotubes necessary for the project. He confirmed that he would dig the holes by hand. Mr. Olsen explained that there was grass under the proposed deck that will remain after it is constructed.

MOTION: Mr. Davenport, Mr. Lippincott second, to approve Application IWWC#22-04 Applicant/Owner: Jeffrey S. Olsen Location: 169 West Wakefield Boulevard Proposal: Deck Addition to the Front of the House, subject to the following standard (1-12) conditions; *unanimously approved.*

8. NEW BUSINESS:

A. IWWC#22-04 Applicant: Peter D'Addeo Owner: Sandy Drive Three, LLC Location: 240 Perch Rock Trail Proposal: Modification of Site Plan – Seawall Footing.

Neither the applicant nor a designated representative appeared before the commission regarding this application. Mr. Stankov explained that a sign-off on the Certificate of Occupancy had been requested from him by Building Official Marc Melanson on behalf of this commission. He reported that he reviewed the site to do that and noted a discrepancy, the sidewalk along the lake wall. He noted that the former Wetlands Agent had observed the same in 2019 and reported it at the time that the owner/applicant had sought approval for a pervious paver driveway. Mr. Stankov noted that while it was reported at that meeting, the commission had not discussed it. He explained that what Mr. D'Addeo is characterizing as a concrete footing was 3'-4' wide running along the seawall. Mr. Stankov noted that it was very unusual as he understood footings should be located underneath the wall as the earth leverages the footing down as a counterweight. Mr. Stankov reported having explained to the applicant that he was unable to sign off on the CO as this had not been shown on any of the other previously submitted plans. He noted that Mr. D'Addeo had indicated that similar footings were there when he had purchased the property.

Ms. Mulvey questioned whether it would be more of a disturbance to have the footings taken out. Mr. Stankov confirmed, but reminded the commission that when things are let go, it may encourage people to do things without permission and seek approval after. Mr. Davenport found it unlikely that the sidewalk was added after the lakewall had been done and suggested that it must have been installed for a reason.

MOTION: Mr. Davenport, Mr. Lippincott second, to accept and approve Application IWWC#22-04 (Modification of Application #21-30) Applicant: Peter D'Addeo Owner: Sandy Drive Three, LLC Location: 240 Perch Rock Trail Proposal: Modification of Site Plan – Seawall Footing, subject to the standard (1-12) conditions, and the following additional conditions; *unanimously approved.*

B. IWWC#22-05 Applicant/Owner: Paul Marino Location: 680 East Wakefield Boulevard Proposal: Remove Existing Accessory Building; Addition to Existing Home with Garage and Bonus Room; Realign Driveway Utilizing Permeable Pavers; Remove and Rebuild Retaining Walls, Entrance Walk, and Stairs.

Paul Marino, accompanied by Laura Nash in person and Professional Engineer Mike Sherman via his laptop as Mr. Sherman FaceTimed for the meeting, appeared before the commission regarding this application.

Mr. Sherman explained that he had been retained to address stormwater issues at the site as Mr. Marino undertakes his building proposal. He noted that he had examined the stormwater drainage uphill from this site and it appeared that the water goes across the road and onto the property of Mr. Marino. Mr. Sherman noted that Mr. Marino plans to remove the second house at the edge of the bituminous pavement. He explained that with this application, all of the bituminous concrete will be removed along with the smaller house and part of the driveway. Mr. Sherman noted that there was an existing retaining wall parallel with the eastern property line. He explained that the driveway runs along that and noted that there was an existing catch basin at the bottom of the driveway. Mr. Sherman reported the plans include removing that catch basin but retaining the discharge line that runs down to the lake. The 10" drainage line goes to a drainage structure. Mr. Sherman explained that this will provide for a catchment area where sediment can get trapped.

Mr. Sherman noted the existing pervious parking and turnaround area. He explained that the water will percolate between the blocks and the water will filter through the layer of 3/8" gravel underneath the block. Mr. Sherman noted that the detail sheet indicates the size of the gravel for the system.

Mr. Marino indicated a driveway apron will be added near the road to prevent water from running down. He noted that a berm area will be in the area.

MOTION: Ms. Mulvey, Mr. Paganelli second, to accept Application IWWC#22-05 Applicant/Owner: Paul Marino Location: 680 East Wakefield Boulevard Proposal: Remove Existing Accessory Building; Addition to Existing Home with Garage and Bonus Room; Realign Driveway Utilizing Permeable Pavers; Remove and Rebuild Retaining Walls, Entrance Walk, and Stairs and to schedule a public hearing, in the public interest, for the April 20, 2022 regular meeting; unanimously approved.

C. IWWC#22-06 Applicant/Owner: Brian Bouthiller Location: 212 East Wakefield Boulevard Proposal: 3'x16' Walkway to East of Boatlift.

Neither the applicant nor a designated representative were present for the meeting. Staff explained the owner lives in Georgia and communicated the owner's intention to be present for the April meeting.

MOTION: Mr. Molinelli, second, to accept Application IWWC#22-06 Applicant/Owner: Brian Bouthiller Location: 212 East Wakefield Boulevard Proposal: 3'x16' Walkway to East of Boatlift, finding the proposed activity as not significant; unanimously approved.

D. IWWC#22-07 Applicant: Jared Carroll Owner: John Flaherty Location: 608 East Wakefield Boulevard Proposal: Removal of 550-Gallon Oil Tank.

Jared Carroll of M.E. Carroll & Sons appeared before the commission regarding this application. He noted that his company had been retained by the owner to remove a 550-gallon oil tank from this residential property, confirming that it previously held #2 home heating oil. Mr. Carroll explained that it was a one-day process, where they begin by opening the tank and removing the contents including the sludge. He explained that the Fire Marshall will be scheduled ahead of time to verify the sampling of the grave. Following that, the hole will be backfilled and straw mats will cover the disturbed area, according to Mr. Carroll.

Mr. Paganelli questioned the slope of the site. Mr. Carroll noted that it was very flat as it was located just to the side of the home. Mr. Stankov estimated it to be 10%.

It was noted that the applicant was requesting an agent determination on this application. Mr. Stankov confirmed that he had been to this site.

Mr. Carroll explained that if he or the Fire Marshall were to observe any areas of concern within the grave, a layer of 6 mil polyethylene in the tank grave, backfill, and cover with topsoil. If the test results were to return as positive, a licensed environmental professional would be consulted along with the State of Connecticut Department of Energy and Environmental Protection to come up with a plan. The plan would be brought before this commission, according to Mr. Carroll. Mr. Molinelli suggested that a copy of the report submitted to the Fire Marshall and DEEP be included as a condition of approval.

Mr. Lippincott questioned whether there was a chance the work would be undertaken in the rain. Mr. Carroll indicated that it would not but agreed that a row of silt fence and sediment log could be installed.

MOTION: Mr. Lippincott, Mr. Davenport second, to refer Application IWWC#22-07 Applicant: Jared Carroll Owner: John Flaherty Location: 608 East Wakefield Boulevard Proposal: Removal of 550-Gallon Oil Tank for an agent determination; unanimously approved.

9. AGENT ACTIONS:

A. Determinations.

B. Warnings/Violations.

i. Parcel opposite 215 West Wakefield Boulevard (Preusse)

Mr. Stankov reported nothing has occurred with this property.

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

Mr. Stankov reported that the property was currently listed for sale with a realtor. He reminded the commission that the property owner had constructed a log cabin at the top of the site and was currently advertising the property for horse boarding. Mr. Stankov noted that the town attorney had a conference in court on the matter on the day following this meeting and that he would be reaching out for an update.

iii. 308 East Wakefield Boulevard

Mr. Stankov reported having met with the property owner and his professional engineer David Battista of Lenard Engineering on the day preceding this meeting. He indicated that Mr. Battista is actively working on a design to address the violations.

vi. 713 East Wakefield Boulevard

Reporting that he had not progressed with the property owner or Keefe Land Surveying, Mr. Stankov indicated that he would be issuing a citation on this violation.

v. West Wakefield Boulevard (Connole)

Mr. Stankov reported Land Surveyor Peter Keefe had confirmed that the survey was completed but indicated that there was some additional computer work he needed to finish with it.

vi. 225 West Wakefield Boulevard

It was noted that this violation had been discussed earlier in the meeting.

vii. 182 Shore Drive

It was noted that this violation had been discussed earlier in the meeting.

Mr. Molinelli requested copies of original violation and all communications be provided to commissioners along with the applications as they are filed in response to the cited violations.

10. Communications and Bills.

No business was discussed.

11. Other Business.

A. Mad & Still Clean River Initiative & Pledge.

Ms. Marvin explained that she is employed by the Northwest Conservation District. She reviewed a project she is undertaking to rid the riverbanks from trash and debris in town, explaining that she was applying for a grant to help fund the effort. Ms. Marvin noted the grant would fund community outreach and education. Mr. Lippincott questioned whether the cleanup effort would be up and down the Mad River or be limited to where it converges with the Still River. Ms. Marvin indicated that she was unsure and that it likely depended on the number of volunteers.

MOTION: Ms. Mulvey, Mr. Lippincott second, to forward to the Board of Selectmen a letter of support to the Board of Selectmen on the Still and Mad River Initiative and Pledge; unanimously approved.

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

No business discussed.

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

Ms. Mulvey noted that a property owner's guide had been prepared by the Highland Lake Watershed Association.

11. ADJOURN:

MOTION: Ms. Mulvey, Mr. Davenport second, to adjourn at 9:26PM; unanimously approved.

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