



**TOWN OF WINCHESTER**  
**INLAND WETLANDS & WATERCOURSES COMMISSION**  
Town Hall, 338 Main Street, 2<sup>nd</sup> Floor – P. Francis Hicks Room, Winsted  
February 16, 2022 – 7:00PM  
Regular Meeting Minutes

**1. CALL TO ORDER:**

Secretary Jackie Mulvey called the meeting to order at 7:01PM.

**2. ROLL CALL:**

Roll call was completed by Ms. Mulvey. Present at the meeting in addition to her were: Andrea Krawiecki, Jeff Lippincott, Leeane Marvin, and Gary Paganelli.

Steve Molinelli, Russ Davenport, Mary Ann Marino, and Kurt Timmeney were absent excused.

**3. APPROVAL OF MINUTES – JANUARY 19, 2022 REGULAR MEETING:**

**MOTION:** Mr. Lippincott, Mr. Paganelli second, to approve the January 19, 2022 regular meeting minutes; unanimously approved.

**4. AGENDA REVIEW.**

The agenda was amended to add Application IWWC#22-04 under New Business.

**5. PUBLIC HEARINGS.**

None.

**6. OLD BUSINESS.**

**A. IWWC#21-42 Applicant: Jeffrey Rondini Owner: Steven Heffer and Heena Sultan Location: 211 West Wakefield Boulevard Proposal: Tree Removal.**

Neither the applicant nor a designated representative appeared before the commission regarding this application. Mr. Stankov reported that there was no additional time for which to continue this application and that the wood has since been removed from the site.

**MOTION:** Ms. Mulvey, Mr. Paganelli second, to deny Application IWWC#21-42 Applicant: Jeffrey Rondini Owner: Steven Heffer and Heena Sultan Location: 211 West Wakefield Boulevard Proposal: Tree Removal to the March 16, 2022 regular meeting; unanimously approved.

**B. 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 appeared before the commission regarding this application.

**MOTION:** Ms. Krawiecki, Ms. Mulvey second, to continue Application 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 to the March 16, 2022 regular meeting; unanimously approved.

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

Neither the applicant nor a designated representative appeared before the commission regarding this application.

**MOTION:** Mr. Lippincott, Mr. Paganelli second, to continue Application IWWC#21-49 Applicant/Owner: Chris Chinnock Location: 244 Perch Rock Trail Proposal: Front Door Overhead to the March 16, 2022 regular meeting; unanimously approved.

**D. 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.**

It was reported that the applicant/owner had communicated to staff his request for a continuance.

**MOTION:** Ms. Mulvey, Ms. Krawiecki second, to continue 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 to the March 16, 2022 regular meeting; unanimously approved.

**MOTION:** Mr. Lippincott, Ms. Krawiecki second, to table Application IWWC#22-02 until the engineer arrives; unanimously approved.

The applications under *New Business* were adjusted so as to take up Application IWWC#22-03 ahead of Application IWWC#22-02.

## **7. NEW BUSINESS:**

**A. IWWC#22-03 (Modification of IWWC#21-40) Applicant/Owner: Richard Josefek and Carol Josefek Location: 104 Shore Drive Proposal: 18'x24' Addition (Transfer of Permit from Contractor to Homeowners).**

Richard Josefek appeared before the commission regarding this application. He explained that he had recently received an approval through his contractor but that he was seeking to transfer the permit to himself. Mr. Lippincott questioned whether there were any alterations to the previously approved plans. Mr. Josefek indicated that there was not. Ms. Krawiecki questioned whether the same size structure would be constructed and the same materials to be utilized. Mr. Josefek confirmed.

**MOTION:** Ms. Mulvey, Mr. Paganelli second, to approve Application IWWC#22-03 (Modification of IWWC#21-40) Applicant/Owner: Richard Josefek and Carol Josefek Location: 104 Shore Drive Proposal: 18'x24' Addition (Transfer of Permit from Contractor to Homeowners), 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 November 20, 2021, 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. Cash soil and erosion control bond of \$1500;

*unanimously approved.*

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

It was reported that the applicant/owner had communicated to staff his request for a continuance.

**MOTION:** Ms. Mulvey, Mr. Paganelli second, to accept Application IWWC#22-04 Applicant/Owner: Jeffrey S. Olsen Location: 169 West Wakefield Boulevard Proposal: Deck Addition to the Front of the House finding the proposed activity as not significant; unanimously approved.

**C. 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 Department of Public Works Director Jim Rollins and Project Manager Bart Clark, appeared before the Commission regarding this application. Mr. Mears explained that the proposal included the deck replacement to the Case Avenue Bridge. He explained that it would also include painting and noted that there was currently lead-based paint on the existing structure. Mr. Mears noted that the removal of that paint would be done in confined conditions pursuant to the State of Connecticut Department of Transportation specifications. He reported that the sidewalk in that area will also be reconstructed along with some decorative lights as well as a utility pole relocation. Mr. Mears noted that replacement of one of the wingwalls is also planned. He noted that the construction was slated for 2023.

Mr. Mears reviewed the construction sequence, confirming that the road will be closed in that area. A debris shield will be installed underneath the bridge followed by the deconstruction of the decks, according to Mr. Mears. He noted that the beams would be jacked up a bit and the bearings replaced at each end. After the bearings are replaced, a closure will be placed on the bearings with the bearings then being blast cleaned. Following that will be the replacement of the sewer and city water, the deck will be replaced, and the roadway will be finished.

Mr. Lippincott sought more information on the paint removal from the beams and the proximity to the river. Mr. Mears explained how the whole process is undertaken with an enclosure and a vacuum system and complies with the specifications required by the DOT. Mr. Mears noted that the project is monitored every day and that access is restricted to the area. Ms. Marvin questioned whether town staff also monitors the work. Mr. Mears noted that the design engineers come to the site frequently. With the project being funded with both state and federal tax dollars, there is typically a full-time inspector on the job, according to Mr. Mears. Ms. Krawiecki questioned whether a staff member from the State of Connecticut Department of Energy and Environmental Protection (DEEP) would also be visiting the site. Mr. Mears noted that DEEP has the privilege of coming to the site should they so choose. Mr. Lippincott questioned whether the Town's DPW crew would be undertaking that work. Mr. Rollins indicated that they would not be and that the job would be put out to bid.

**MOTION:** Ms. Mulvey, Ms. Krawiecki second, to accept Application IWWC#22-02 Applicant: Ricky Mears, Alfred Benesch & Company Owner: Town of Winchester Location: Case Avenue over Mad River Proposal: Bridge Rehabilitation, finding the proposed activity, as not significant; unanimously approved.

## **8. AGENT ACTIONS:**

### **A. Determinations.**

Mr. Stankov noted that there had been no wetlands determinations.

### **B. Warnings/Violations.**

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

Mr. Stankov reported that he has heard nothing on this matter and that it was stuck in limbo.

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

Mr. Stankov reported that this matter has been made more complicated as he learned just after the January meeting of this board that the property owner has since constructed a house at the top of this site without any zoning permits nor building permits. Additionally, Mr. Stankov reported the property owner advertising horse runs and horse boarding on Facebook. Mr. Stankov reported that these things have been added to the injunction. He noted that the town's attorney, Kevin Nelligan, has contacted the property owner's attorney as an engineered survey is supposed to be produced by February 28, 2022. Because the ground is frozen, no erosion has been observed coming off the hill, according to Mr. Stankov.

#### **iii. 308 East Wakefield Boulevard**

Mr. Stankov reminded the commission that a patio had been installed without approvals. He reported having spoken with Professional Engineer David Battista on this matter. Mr. Stankov explained that it was his understanding that Mr. Battista had been retained and was completing a design on this project. He later learned that the project was only in the discussion phase between the owner and engineer. Mr. Stankov indicated that he intended to follow up by the end of the following week and if no plans are received, he could proceed with issuing citations.

As the issuance of citations was discussed, the consensus of the Commission was that they be issued if a contract with an engineer is not produced by the next regular meeting scheduled for March 16, 2022.

#### **vi. 713 East Wakefield Boulevard**

Mr. Stankov reported having spoken to Land Surveyor Peter Keefe three weeks ago who indicated that he was only preliminarily completing estimates for work on this matter. However, Mr. Keefe had confirmed that he had not yet formally retained. Mr. Stankov reported having not heard anything recently about this property.

As the issuance of citations was discussed, the consensus of the Commission was that they be issued if a contract with a surveyor is not produced by the next regular meeting scheduled for March 16, 2022.

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

Mr. Stankov reported having spoken to Land Surveyor Peter Keefe three weeks ago who indicated that he was only preliminarily completing estimates for work on this matter. He noted that he had spoken with Ms. Connole the day earlier who had indicated that Mr. Keefe was at the site completing the survey that day. Mr. Stankov noted that he had not confirmed this with Mr. Keefe but had a planned call with him the day following this meeting.

As the issuance of citations was discussed, the consensus of the Commission was that they be issued if a contract with a surveyor is not produced by the next regular meeting scheduled for March 16, 2022.

**9. COMMUNICATIONS AND BILLS.**

No business was discussed.

**10. OTHER BUSINESS.**

**A. Discuss 242 Perch Rock Trail/Drainage Pipe Repair Work.**

As Mr. Rollins was present at the meeting for the Town's application under New Business, he provided the commission an update on the pipe repair at 242 Perch Rock Trail. He opined that as the lake wall aged and leaned into the lake, it pulled apart the town's drainage pipes. Mr. Rollins recalled, prior to his employ with the town and instead in his role as a private contractor, having worked on the lake wall to the south of this property twenty years ago and the condition of the lake wall back then. Mr. Rollins noted that he had communicated to this new owner that the town would address its pipe on this property but had sought an easement for the pipe. He explained the town has prescriptive rights, noting that the Town has had a pipe in this area forever and that he wanted the easement formalized and located on a plan. Mr. Rollins described the benefits of having the easement including the limits to what the Town can disturb for repairs and to alert people that nothing should be constructed over that limited area.

Mr. Paganelli explained that the position of this commission ought to be to insist on the repairs, irrespective of an easement, as the erosion should be taken care of immediately. Discussion ensued on possibilities to both document the presence of the Town's drainage pipe and how to expeditiously complete the work. The consensus of the Commission was to communicate to the Town Manager that this drainage pipe should be repaired within fourteen days due to the rising water.

**MOTION:** Ms. Krawiecki, Ms. Mulvey second, to communicate to the Town Manager that the drainage pipe work at 242 Perch Rock Trail should be completed within fourteen days due to the rising water as this commission wants to be sure that the water quality of the lake is protected; unanimously approved.

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

Beyond the discussion on the drainage pipe repairs at 242 Perch Rock Trail, Mr. Rollins was present to discuss road treatment during the winter months. no additional business was discussed.

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

Ms. Mulvey reported that committees of the HLWA are now providing reports from various committee members. She noted that they are also in the final stages of preparing a property owners' guide. Ms. Mulvey reminded the commission that Ms. Marino was interested in partnering on a FAQ with the HLWA but noted that the property owners' guide may already address all that.

Ms. Krawiecki reported having met with Ms. Marino to work on updating the application to this commission and to provide a resource on what to submit and what the commission is looking for with application

**11. ADJOURN:**

**MOTION:** Ms. Mulvey, Ms. Marvin second, to adjourn at 8:31PM; unanimously approved.

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