



**TOWN OF WINCHESTER
INLAND WETLANDS & WATERCOURSES COMMISSION**

Held Remotely (Via Zoom)
and was streamed live on YouTube:

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

**January 19, 2022 – 7:00PM
Regular Meeting Minutes**

1. CALL TO ORDER:

Chairman Steve Molinelli called the meeting to order at 7:01PM.

2. ROLL CALL:

Roll call was completed by Mr. Molinelli. Present at the meeting in addition to him were: Russ Davenport, Andrea Krawiecki, Jeff Lippincott, Mary Ann Marino, Leane Marvin, Jackie Mulvey, Gary Paganelli, and Kurt Timmeney.

3. APPROVAL OF MINUTES – DECEMBER 15, 2021 REGULAR MEETING:

The December 15, 2021 Minutes should include the following modifications:

It was noted that the addresses indicated as part of the discussion on Application IWWC#21-47 referenced 512 and 508 West Wakefield Boulevard whereas it should have referenced 512 West Wakefield Boulevard and 504 West Wakefield Boulevard.

MOTION: Mr. Davenport, Mr. Molinelli second, to approve the December 15, 2021 regular meeting minutes as amended; unanimously approved.

4. AGENDA REVIEW.

No changes were made to agenda but for some initial discussion occurred at this point in the meeting on the one communication that was received by the commission.

5. PUBLIC HEARINGS.

None.

6. OLD BUSINESS.

A. IWWC#21-30 (Modification of #20-50) Applicant/Owner: Normand J. Laliberte, Jr. Location: 416 West Wakefield Boulevard Proposal: Add Retaining Walls and Paver Pathway.

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

MOTION: Mr. Molinelli, Mr. Paganelli second, to deny Application IWWC#21-30 (Modification of #20-50) Applicant/Owner: Normand J. Laliberte, Jr. Location: 416 West Wakefield Boulevard Proposal: Add Retaining Walls and Paver Pathway, as the applicant has failed to appear at the last couple of meetings and to provide the commission with the necessary documents as previously requested; unanimously approved.

B. 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.

Ms. Marvin inquired whether there had been any response to the questions that she had emailed to staff to relay to the applicant. Staff indicated that there had not yet been a response on those.

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

C. 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.

Mr. Molinelli reminded the commission that the easement, for which the applicant seeks to add a new dock, is on 504 West Wakefield Boulevard, not 508 West Wakefield Boulevard. The applicant's own property was the one for which he wanted to add an extension to his existing dock and to add a float, Mr. Molinelli explained.

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

MOTION: Mr. Molinelli, Mr. Paganelli 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 February 16, 2022 regular meeting; unanimously approved.

D. IWWC#21-48 Applicant/Owner: Town of Winchester Location: East Lake Street (Resha Beach Map 114, Block 124, Lot 001A) Proposal: Proposed Roofed Pavilion.

Recreation Board Chairman Kurt Williams, accompanied by Recreation Department Director Tanya Risucci, appeared before the commission regarding this application. He reminded the commission that there were questions at the previous meeting regarding construction of the structure and what would be utilized for protection of the lake during construction.

Ms. Marino questioned whether there was currently a plan for ongoing maintenance with this proposal. Mr. Williams indicated that the structure would be inspected on a daily basis by the crew that completes the daily maintenance and garbage removal during the summer months.

Mr. Paganelli questioned the erosion controls to be employed. Mr. Williams indicated a contractor has put in a proposal for the work but that the town crews will be excavating the holes necessary for the piers and will handle all necessary erosion controls. Mr. Paganelli noted that the erosion controls were not on the plan and polled the commission as to whether a row of silt fence on either side of the downhill gradient ought to be installed. In response to Mr. Platt's reference to the silt fence being depicted three to four feet away from the proposed building, Mr. Paganelli suggested that it should be further than that. Mr. Platt concurred. Mr. Molinelli questioned whether the Town was amenable to relocating the fence. Ms. Marvin questioned whether there ought to be haybales staked, too. Mr. Paganelli and Mr. Davenport did not think so. Mr. Williams noted that the piers would be dug down deep enough to comply with Building Code and before the sonotubes were poured. Following that, the pavilion will be 6"x6" construction, according to Mr. Williams. Mr. Molinelli suggested that the wetlands agent meet at the site to review the stake out of the erosion controls.

MOTION: Ms. Mulvey, Ms. Marino second, to approve Application IWWC#21-48 Applicant/Owner: Town of Winchester Location: East Lake Street (Resha Beach Map 114, Block 124, Lot 001A) Proposal: Proposed Roofed Pavilion, 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 January 19, 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. Before excavation begins, the silt fence is located to the satisfaction of the wetlands agent at approximately 10' to 15' of the work area;

unanimously approved.

E. 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.

Mr. Molinelli noted that the drawings submitted were hand-drawn and that if the applicant communicates to staff, that they intend to continue with the proposal, it should be communicated to the applicant that sufficient information should be provided. Mr. Molinelli questioned whether the proposed overhang would need to be approved by the Zoning Board of Appeals. It was confirmed that it would.

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

7. NEW 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.

The commission initially delayed the discussion on this application as neither the applicant nor a designated representative appeared before the commission regarding this application.

Prior to the close of the meeting, the commission discussed this application as it appeared that the applicant had not made it to the meeting. There was some question as to one of the proposed rocks to be broken up, according to the application, appeared to be an integral part of the lake wall. Additionally, there was some discussion about whether the previously approved dock had been already installed and if it was in the right location. The shed was discussed, too.

Referencing the photographs, Mr. Paganelli questioned the amount of concrete that appears to be on the lakebed.

MOTION: Mr. Molinelli, Mr. Paganelli second, to accept and 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 February 16, 2022 regular meeting; unanimously approved.

8. AGENT ACTIONS:

A. Determinations.

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

An update on a previous application from Mr. Chinnock, owner of 242 Perch Rock Trail and 244 Perch Rock Trail was provided. Mr. Stankov reminded the commission about the applications to undertake a lakewall rebuild and tie that work in with the Town's repair of a drainage pipe through the yard. Mr. Stankov noted that an approval had been issued with the instruction that a legal opinion be sought from the Town's attorney, Kevin Nelligan, before any work began. Attorney Nelligan had advised that an easement be sought prior to the work being done, according to Mr. Stankov. However, Mr. Chinnock has since refused to execute an easement for this work, he noted.

Mr. Paganelli questioned what was happening with erosion control at the site. Mr. Stankov reported not seeing any change in the wall, noting that he had not visited the property since the end of December. Ms. Marino questioned whether there was a problem with the pipe. Mr. Molinelli confirmed, noting that it was fractured.

Mr. Stankov noted that the septic system replacement on 333 Colebrook Road had been completed.

Circling back to Mr. Chinnock's failed pipe, Ms. Marino questioned whether any agreement has been made with the DPW to check on the property periodically to make sure that it is stable. Mr. Stankov noted that the DPW is aware of the conversations that he had been having with Mr. Chinnock, but that he had not yet had a conversation regarding the impasse and what to do if the lakewall does fall into the lake. While he could follow up with the DPW, Mr. Stankov noted that the DPW and Attorney Nelligan have been very specific in their guidance, noting that this is the only option to get the easement and that the two are of the opinion that we should have easements over every pipe and the same recorded on the Land Records. Mr. Stankov explained that he was unsure at what point of the erosion, the DPW would step in but that he would follow up and provide a report to this commission at the February meeting. Ms. Marino suggested a follow-up question for Attorney Nelligan, that following this type of work, whether something could be recorded on the land records.

Mr. Molinelli recalled there being a point where the Town can step in, correct whatever problem exists, and then bill the homeowner. He explained to the commission that there is recourse available should the wetlands agent visit the site and find the area unstable and unsettled, causing erosion. Mr. Paganelli opined that condition exists currently, recalling that there was a void behind the wall, and in order for that void to have

been created, the earth is being moved out into the lake. Ms. Marino requested that Attorney Nelligan weigh in about the proper method by which the cost for the remediation is captured on the land records.

It was agreed that Mr. Stankov would consult with Mr. Rollins about whether the repairs needed to be corrected this year and would also stop by Perch Rock Trail very soon to follow up on the conditions there.

B. Warnings/Violations.

i. Parcel opposite 215 West Wakefield Boulevard (Preusse)

Mr. Stankov reported that silt fence and haybales remain but that he had no new information on the matter pending before the Board of Selectmen.

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

Mr. Stankov reported the Town having an injunction issued by the court, noting that it was temporary, and that the property owner had to submit an engineered plan showing all erosion controls and current conditions to the Planning Department within sixty days. If the engineer indicates that there is going to be no erosion occurring at the top of the site from the removal of any trees, the property owner has requested that they be allowed to take down any trees which would not cause erosion, according to Mr. Stankov. He noted that the Town has the right to object that at any time. Should that happen, the Town will return to court with the property owner, according to Mr. Stankov.

Mr. Stankov reminded the Commission that the property owner will still need approval from this commission. He explained that if there are no plans submitted by February 28th, the Town will return to court on this matter. He noted that he has still had no contact with an engineer on this. Mr. Stankov reported that the neighbors have only reported the sound of dirtbikes going up the hill. Having the permission of one of the neighbors to continue monitor the situation, Mr. Stankov noted that he intended to do that.

iii. 308 East Wakefield Boulevard

Mr. Stankov reported that an application had been expected for this meeting. He reminded the commission that the plans were expected by Christmas time and indicated that he would follow up with the property owner.

vi. 713 East Wakefield Boulevard

Mr. Stankov reported that an application was expected by now but that Land Surveyor Peter Keefe had only indicated that he might have something done for January but that February was more likely. Mr. Stankov noted that he would follow up with Mr. Keefe.

v. West Wakefield Boulevard (Connole)

Mr. Stankov reported that an application was expected by now but that Land Surveyor Peter Keefe had only indicated that he might have something done for January but that February was more likely. Mr. Stankov noted that he would follow up with Mr. Keefe.

Mr. Lippincott questioned the substantial number of trees cut at 522 East Wakefield Boulevard. Mr. Stankov noted that there was tree cutting at 504 East Wakefield and 522 East Wakefield. Mr. Stankov noted that he cut the trees cut. Additionally, none of the trees were cut on the steep slope in that area, according to Mr. Stankov. He noted that the closest point to the water, according to the GIS, was 90' and did not consider any of the tree removal as a violation.

9. COMMUNICATIONS AND BILLS.

i. Althea Perez, 605 West Wakefield Boulevard.

The discussion occurred earlier in the meeting following *Agenda Review*. Mr. Molinelli and Mr. Davenport both indicated that they had not read the sealed letter yet. Mr. Molinelli shared his concern with opening the letter noting his concerns with a possible appeal from a letter from this individual. The commission was reminded that the writer of the letter had withdrawn her application.

Mr. Molinelli explained that he had not read the letter. Staff reported having opened and copied one of the letters, keeping one for the record. He could not recall ever having received a letter from a resident, without an application pending, and had no prior experience with something like this.

Discussion among the commission focused on the goal of consistency when reviewing applications.

10. OTHER BUSINESS.

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

No business discussed.

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

Ms. Marino reported having drafted a postcard with FAQs. She indicated that she would get hat to Ms. Mulvey for review by the Highland Lake Watershed Association.

Ms. Krawiecki reported a scheduled meeting for Friday, January 21st with Mr. Paganelli and staff to review revisions to the application for this commission. Ms. Marino agreed to join the group.

11. ADJOURN:

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

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