

**TOWN OF WINCHESTER
INLAND WETLANDS & WATERCOURSES COMMISSION
Town of Winchester Town Hall, 338 Main Street
P. Francis Hicks Room – 2nd Floor
December 15, 2021 – 7:00PM
Regular Meeting Minutes**

1. CALL TO ORDER:

Chairman Steve Molinelli called the meeting to order at 7:02PM.

2. ROLL CALL:

Roll call was completed by Mr. Molinelli. Present at the meeting in addition to him were Russ Davenport, Jackie Mulvey, Andrea Krawiecki, Jeff Lippincott, Mary Ann Marino, Gary Paganelli, and Kurt Timmeney as well as Wetlands Agent Michael Stankov.

Leeane Marvin was absent excused.

3. AGENDA REVIEW:

The agenda was modified to take up *Agent Actions: Determinations and Warnings/Violations and Report from Department of Public Works Liaisons and Report from Highland Lake Watershed Association Liaisons* ahead of *Old Business*.

Mr. Molinelli suggested that the recommendations for applications included in the memorandum from Mr. Stankov be incorporated into the application.

4. AGENT ACTIONS:

A. Determinations.

No business discussed.

B. Warnings/Violations.

i. Parcel opposite 215 West Wakefield Boulevard (Preusse)

Mr. Stankov noted that the site has been stabilized with hay and silt fence but that the project had yet to be reviewed by the Board of Selectmen.

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

Mr. Stankov reported that he was expected to appear in court on the following Monday regarding this matter. He noted that the last time he had viewed this site was the middle of November.

iii. 308 East Wakefield Boulevard

It was noted that a plan was expected for this application by Christmas.

iv. 713 East Wakefield Boulevard

Mr. Stankov reminded the commission that he had been advised that the property owner was expecting a survey on this from Land Surveyor Peter Keefe.

v. West Wakefield Boulevard (Connole)

Mr. Stankov reported that the title searcher had communicated that the dock in question was not on the property of the Connole's but was on the property of her brother, James Maguire. He noted that the title searcher was unsure of the boundaries of the properties though and that Mr. Keefe was working on a survey of this site, too.

Mr. Stankov reported that he expects to be issuing a violation notice soon on a property that had put in some drainage improvements without the appropriate permits. A Cease and Desist hearing was expected for January on this matter, according to Mr. Stankov.

5. OTHER BUSINESS:

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

From his recent meeting with the Department of Public Works Director Jim Rollins, Mr. Lippincott reported that the primary product used on the town's roads during the winter was sodium chloride coated with magnesium chloride. He reminded the commission that Mr. Rollins had attended a seminar several years ago regarding the most appropriate materials to use on roads. Mr. Lippincott noted that sand is generally not used. Additionally, the town has retained Lenard Engineering to study five or six trouble spots with drainage around Highland Lake, according to Mr. Lippincott.

Mr. Lippincott questioned whether there might be a way to communicate to property owners about small improvements that can be made to remediate runoff issues around the lake and protect the water quality. Ms. Mulvey concurred, noting the Highland Lake Watershed Association had been discussing the same, agreeing that education for homeowners is key.

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

Ms. Mulvey reported that several articles in recent newsletters of the Highland Lake Watershed Association (HLWA) aim to educate property owners regarding improvements that can assist in protecting water quality. It was noted that the Highland Lake 2020 Water Quality Report recently completed by Northeast Aquatic Research was included on the town's website. Ms. Marino suggested how helpful a postcard campaign, containing frequently asked questions, could prove.

6. APPROVAL OF MINUTES – NOVEMBER 17, 2021 REGULAR MEETING:

MOTION: Mr. Lippincott, Mr. Paganelli second, to approve the November 17, 2021 minutes; Minutes approved with Mr. Davenport, Ms. Krawiecki, Mr. Lippincott, Ms. Marino, Mr. Molinelli, and Mr. Paganelli in favor while Ms. Mulvey abstained.

7. PUBLIC HEARINGS:

None.

8. 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: Ms. Marino, Mr. Lippincott second, to continue Application IWWC#21-30 to the January 19, 2022 regular meeting; 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.

MOTION: Mr. Lippincott, Mr. Paganelli second, to continue Application IWWC#21-42 to the January 19, 2022 regular meeting; unanimously approved.

**C. IWWC#21-45 Applicant: Michael Cardello Owner: Jeffrey Muller and Melissa Muller
Location: 248 Perch Rock Trail Proposal: Demo Existing Home; Reconstruct New Single-Family Residence on Same Footprint.**

Professional Engineer Jason Dismukes appeared before the Commission regarding this application. Mr. Dismukes provided a copy of an updated site plan on this application. He reminded the commission that the proposal included tearing down the existing house, building a new home in substantially the same footprint, and installing a footing drain around the dwelling by raising the foundation up. Mr. Dismukes explained that the footing drain will daylight to a new raingarden.

Mr. Dismukes also reminded the commission that there were pipes that are part of the lake wall with the belief that one of them might be from a sump pump in the house. He noted that it may just be a weep hole behind the lake wall and if that were the case, it should stay. He explained that it would function to relieve the hydrostatic pressure on the sea wall. Until excavation begins, the applicant cannot be sure what is tied into that. Mr. Dismukes noted that the raingarden design has been increased in size after his further review of the site. He explained that a yard drain has been added to the plans to take the water from the parking area and filter it through the rain garden to allow some treatment and infiltration. Mr. Dismukes also indicated the roof drain water will flow into the raingarden.

Mr. Paganelli questioned the limited amount, 6", of coverage on the pipe. Mr. Lippincott questioned what consideration the property owners had given to utilizing pervious pavers. Mr. Dismukes indicated that he could communicate with them again about this. He noted the several planting spots that had been included as part of the design.

Mr. Molinelli questioned when the applicant was intending to get started. Mr. Dismukes indicated that it was planned to begin with the next couple of months.

Mr. Dismukes discussed the slight swale that will be created as a result of the fill that will be brought in.

Ms. Marino questioned what the plan was for the piping discharging into the lake should the source be illicit. Mr. Dismukes confirmed that the source would be determined, and it would be abandoned.

Mr. Dismukes requested leave at this meeting in order to confer with his clients, via cellphone, whether they were amenable to a swap on the driveway to pervious pavers.

MOTION: Ms. Marino, Mr. Davenport second, to continue Application IWWC#21-45 to the end of *New Business* at this meeting; unanimously approved.

Following the last application under *New Business*, Mr. Dismukes returned to the commission and reported that his clients were agreeable to permeable pavement or permeable pavers for

the driveway. It was noted that by doing so, it would reduce the impervious surface coverage on the lot by 13.9%.

MOTION: Ms. Marino, Ms. Krawiecki second, to approve Application IWWC#21-45 Applicant: Michael Cardello Owner: Jeffrey Muller and Melissa Muller Location: 248 Perch Rock Trail Proposal: Demo Existing Home; Reconstruct New Single-Family Residence on Same Footprint, 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 December 15, 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. Applicant to submit revised plan to reflect new paved parking area as pervious surface. Applicant to advise wetlands agent ahead of installation as to whether pervious pavement or pervious pavers are being utilized.

14. Following the exposure of the unknown pipe at seawall, wetlands agent is invited to inspect and make sure that its final disposition complies with the regulations.

15. Cash erosion and sedimentation bond totaling \$2000 to be submitted to the Inland Wetlands Office prior to the commencement of work;

unanimously approved.

D. IWWC#21-46 Applicant/Owner: Affordable Family Housing, LLC Location: North Main Street, Map 017/Block 150/Lot 038A Proposal: Driveway.

Mr. Stankov reported conferring with the Town Attorney, Kevin Nelligan, regarding this application and how there had been no communication from this applicant regarding the noticing requirements for the public hearing for this application. As the applicant/owner has made no steps toward publishing the required legal notices, Attorney Nelligan had recommended the application be denied, according to Mr. Stankov.

Given that the owner had already undertaken work on this site, Mr. Molinelli questioned the status of that if the application is denied. Mr. Stankov reminded the commission that he was going to court on this on the following Monday. He noted that he could not visit the site without one day's notice based on a written statement from Kasdyn Click, the principal of the owner entity.

It was noted that the owner will likely return with a subsequent application because a permit is required for the work undertaken.

MOTION: Mr. Davenport, Ms. Mulvey second, to deny Application IWWC#21-46; unanimously approved.

9. NEW 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/owner nor a designated representative appeared before the commission regarding this application. Mr. Stankov reported having provided a staff review to the applicant after the submittal of the application, explaining that the proposed new dock was on a different property, 508 West Wakefield Boulevard, which was noted as having an easement. Mr. Stankov explained that he had relayed to the applicant that a survey would be required on each parcel. Ms. Marino questioned whether the applicant had seemed amenable to that. Mr. Stankov confirmed.

MOTION: Ms. Mulvey, Mr. Lippincott second, to accept 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, finding the proposed activity as not significant; unanimously approved.

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

Recreation Board Chairman Kurt Williams, accompanied by Recreation Director Tanya Risucci, appeared before the commission regarding this application. Mr. Williams reminded the commission that his board was proposing a 12'x16' roofed pavilion. Ms. Risucci explained that the Camp visits the beach every Tuesday in the summer and has no place for shade for the campers or the lifeguards. She noted that several kids had been sent home this past summer due to severe sunburn.

Mr. Molinelli questioned whether there would be any facilities provided under the pavilion. Ms. Risucci indicated that there would not but for maybe a picnic table or two. Mr. Molinelli questioned how it would be constructed. Mr. Williams referred to the submitted sample of what would likely be constructed. It was noted that there would likely be four piers utilized. The location of the pavilion was noted as being very near the sign. Mr. Williams and Ms. Risucci confirmed that the sign would still be visible. Mr. Molinelli questioned the distance between the proposed location of the pavilion and the closest home on East Lake Street. It was noted that it was 46' from the boundary line and 60' from the water.

Ms. Risucci noted that the piers would be dug by hand. Mr. Davenport advised that typically the commission seeks information such as a construction sequence, the materials being utilized, and what erosion controls would be included.

MOTION: Ms. Krawiecki, Ms. Marino second, to accept Application IWWC#21-48 Applicant/Owner: Town of Winchester Location: East Lake Street (Resha Beach Map 114, Block 124, Lot 001A) Proposal: Impervious Surface Variance for Proposed Roofed Pavilion, finding the proposed activity as not significant; unanimously approved.

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

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

MOTION: Ms. Mulvey, Ms. Marino second, to accept Application IWWC#21-49 Applicant/Owner: Chris Chinnock Location: 244 Perch Rock Trail Proposal: Front Door Overhead, finding the proposed activity as not significant; unanimously approved.

D. IWWC#21-50 Applicant/Owner: Sheree Cross and Althea Perez Location: 606 West Wakefield Boulevard Proposal: Replace Wooden Floating Dock with Aluminum Stationary Dock; Raise Section of Wall 8”.

Candy (Althea) Perez appeared before the commission regarding this application. Ms. Perez explained that the proposal was to the replace the floating dock and to raise the lake wall. She explained that her dock had broken apart a few years ago from wake surfers. She explained that the wall had been repaired because the waves had been going over the wall. Ms. Perez noted that when the wall was repaired, the height had not been increased. She indicated the lake wall had been in its present location since the 1930s or 1940s with her father having rebuilt the wall in the 1970s.

Ms. Perez indicated the vegetation is growing back, including the native ferns. She noted that the extra height will not be backfilled. Mr. Davenport questioned whether the new stone will be mortared to the existing rocks. Ms. Perez confirmed. She explained that the purpose of the height was to prevent the water from getting through the extra height. Mr. Molinelli questioned whether the whole wall would be raised. Ms. Perez indicated that only the section between the trees and the stairs would be raised. She referred Mr. Molinelli to the last page of her application. Mr. Molinelli questioned the length of the section that the applicant was looking to heighten. Ms. Perez indicated that it was 50' in length.

Mr. Lippincott questioned whether the wall would be up to the same height as the deck. Ms. Perez indicated that it would kind of be raised that high but noted that there was somewhat of a slope. She noted that the foundation of the house was raised after the rebuild of the cottage following the fire at this location in 1995.

Noting that from the submitted photographs, the wall appeared to be 10" above the water, Mr. Lippincott explained that his own wall was 33" above the water. He questioned whether 8" is sufficient to accomplish what the applicant intended. Ms. Perez explained that it may not accomplish keeping all of the waves from overflowing the property. Mr. Molinelli questioned whether the existing wall is stable enough to support the added weight to it. Ms. Perez confirmed. Mr. Molinelli questioned whether what was in place behind the wall was adequate for the work. Ms. Perez indicated that it was, reporting that it was repaired last year during the 8' drawdown. She explained that the work was beyond what was planned and was completely solid now. Mr. Davenport questioned whether the proposed height was adequate, with an addition of only 8" to the existing 10".

Ms. Krawiecki questioned whether an updated survey should be required. Mr. Stankov noted that the excerpt submitted was from a 1995 survey. Ms. Perez indicated that she was not amenable to having a survey updated. Mr. Stankov noted that what was submitted does not reflect the stairs at the lake wall, the recent rebuild of the lake wall, nor the location of the dock. He reminded the commission that the hand rendering is not the standard that the commission has been seeking. He noted that the applicant was also proposing a slightly larger dock system. Ms. Perez noted that she could replace the dock system with the exact same size, explaining that it was grandfathered.

Mr. Stankov reminded the commission how important it is to have a site plan when completing inspections in the field. He also cautioned against granting additions to wall height without a survey. He reminded them about the recent withdrawal of an application wherein the proposal was very similar in terms of raising wall height. With that application, the commission had required an engineered site plan with an independent engineering review, a massively different standard than to what was being put forth with this application, according to Mr. Stankov.

Ms. Perez noted that there had been a private layer added to the town's GIS with pictures showing every waterfront and docks.

Ms. Mulvey questioned the survey from 1992. Mr. Stankov noted that it only reflects the tie line. It was noted that the wall, the stairs, and the dock are not included on the survey.

Discussion ensued regarding consistencies with requirements in terms of engineering plans for work on lakewalls.

Ms. Marino noted that it was not evident where the dock is relative to the littoral boundaries.

Ms. Perez indicated that she was withdrawing her application.

MOTION: Ms. Marino, Ms. Krawiecki second, to accept the withdrawal of Application IWWC#21-50 Applicant/Owner: Sheree Cross and Althea Perez Location: 606 West Wakefield Boulevard Proposal: Replace Wooden Floating Dock with Aluminum Stationary Dock; Raise Section of Wall 8"; unanimously approved.

The agenda was again modified to conclude the previous discussion on Application IWWC#21-45 regarding 248 Perch Rock Trail with the applicant's engineer, Jason Dismukes.

10. COMMUNICATIONS AND BILLS:

None.

The commission resumed their discussion regarding the guidance provided by staff on what should be submitted with application materials relative to work adjacent to Highland Lake, especially with lake walls. There was consideration discussed on whether there should be consultation with engineers regarding lake wall design to handle the increase wave action due to wakesurf boats. Another option discussed was to possibly review with the State of Connecticut on regulating the type of boats allowed on Highland Lake.

11. ADJOURNMENT:

MOTION: Ms. Marino, Mr. Molinelli second, to adjourn at 9:25PM; unanimously approved.

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