

**TOWN OF WINCHESTER
INLAND WETLANDS & WATERCOURSES COMMISSION
Town of Winchester Town Hall, 338 Main Street
P. Francis Hicks Room – 2nd Floor
September 22, 2021 – 7:00PM
Special 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, Jackie Mulvey, Andrea Krawiecki, Jeff Lippincott, Gary Paganelli, and Kurt Timmeney as well as Wetlands Agent Michael Stankov.

Mary Ann Marino was absent excused.

3. APPROVAL OF MINUTES – AUGUST 18, 2021 REGULAR MEETING:

It was noted that the application on 632 East Wakefield Boulevard had been accepted at the August 18, 2021 regular meeting.

MOTION: Ms. Mulvey, Mr. Paganelli second, to approve the August 18, 2021 Minutes as amended; unanimously approved.

4. AGENDA REVIEW:

Mr. Molinelli questioned whether the Commission might consider discussing the violation at 348 East Wakefield Boulevard simultaneously with the property owner's two other applications, one at the same property and one at 302 East Wakefield Boulevard. The applicant was amenable, and the remaining commissioners indicated their approval to hold discussions in that manner.

5. SHOW CAUSE HEARINGS:

A. Owner: Affordable Family Housing, LLC Cease and Desist Order Location: North Main Street Map: 017 Block: 150 Lot: 038A Violation: Clearing Without Approved Erosion Control Plan.

Kasdyn Click of Affordable Family Housing, LLC appeared before the Commission regarding this matter. He noted that he thought that if the work included more than one-half of an acre to be done at one time, then a sediment and erosion control plan needed to be submitted. Mr. Click explained that he had loose material that he had been working on at the time of Mr. Stankov's visit. Mr. Click reported being advised by Mr. Stankov that stone should be added at the driveway entrance. He confirmed that he had completed this.

Additionally, Mr. Click reported his plan to install a drainage pipe and a temporary catch basin. Mr. Stankov noted that the Cease and Desist had been served on September 14, 2021 after observation of an excavator with a drill head as he was installing a driveway. He had advised Mr. Click that a sediment and erosion control plan was necessary. Mr. Stankov explained the site as a very steep slope, exceeding 25%. To date, no plan has been submitted to the Planning Office, according to Mr. Stankov. He noted that staff (Colombie) had emailed Mr. Click in February of 2021 to outline what would likely be required by way of permits. Mr. Stankov noted that there was concern, with the work that had already been undertaken, for erosion.

Mr. Davenport questioned whether this matter was more of a zoning matter. Mr. Stankov explained that the zoning regulations relegate soil and erosion control to this commission. Mr. Click noted that he has an easement to the neighboring property who already has a curb cut granted from the Department of Transportation (DOT).

Mr. Molinelli questioned whether all work had stopped following the Cease and Desist Order. Mr. Stankov noted that following a subsequent conversation on Thursday, September 16th, it had.

Mr. Molinelli advised Mr. Click that he would likely need a surveyor and/or engineer. Mr. Davenport explained that this was the standard. Mr. Click explained that his engineer had passed away and that he had been the only engineer he was able to find to work on this property. Mr. Stankov noted that Mr. Click may want to review past minutes of meetings for suggestions on other engineers to engage. Mr. Molinelli questioned whether Mr. Click had any additional questions on how to proceed and suggested that he consult with the Planning Office on what he will need to proceed with gaining the necessary approvals.

Whether or not to levy an after-the-fact fee in this matter was discussed. The consensus of the Commission was that one was not necessary.

6. PUBLIC HEARINGS:

A. IWWC#21-09 Applicant/Owner: Michael Goncalves and Desiree Goncalves Location: 524 East Wakefield Boulevard Proposal: Install Dock and Boat Lift.

MOTION: Mr. Lippincott, Ms. Krawiecki second, to continue the public hearing in the matter of Application IWWC#21-09 Applicant/Owner: Michael Goncalves and Desiree Goncalves Location: 524 East Wakefield Boulevard Proposal: Install Dock and Boat Lift; unanimously approved.

B. IWWC#21-39 (Modification of IWWC#18-14, IWWC 19-27) Applicant/Owner: Bob and Jennifer Leach Location: 302 East Wakefield Boulevard Proposal: Add One 10'x10' Jetski Lift, One 10'x10' Boatlift, and Add One 500-gallon Propane Tank.

Bob Leach appeared before the Commission regarding this application. Mr. Leach noted that the scope of his proposal had been reduced to a 3'x20' dock with a boatlift and a 500-gallon propane tank.

Mr. Leach explained that the propane tank would only take one day and would be completed according to what is required by the Building Department. Mr. Molinelli questioned whether there was ledge in that area of the proposed tank. Mr. Leach reported only rocks being in the area during the last excavation work and that if ledge is encountered, the tank will instead be an above-ground tank. Mr. Molinelli questioned the plan for the excess earth. Mr. Leach indicated that it would be hauled away.

Mr. Molinelli questioned how much lake frontage was owned by the applicants. Mr. Leach explained he owned the entire frontage in partnership with Harris Daigle. Mr. Leach confirmed having included Mr. Daigle in the public hearing noticing. Mr. Stankov reported that Mr. Daigle had visited the office several times relative to his own ongoing development projects and gave no indication that he objected to this proposal. Mr. Molinelli suggested a possible condition of approval be written confirmation from Mr. Daigle that he had no objections to the encroachment of littoral boundary setbacks.

The hearing was open to the public. No comment was received.

MOTION: Mr. Davenport, Mr. Paganelli second, to close the public hearing; unanimously approved.

7. OLD BUSINESS:

A. IWWC#21-07 Applicant: Ideal Woodworking Owner: Marcin Urbaszek Location: 129 East Lake Street Proposal: Increase Water Entrance by 12'x13'; Excavate for Pervious Paver Terrace Uphill and Outside Regulated Area.

Mr. Molinelli questioned whether there had been any communication from this owner or applicant. Mr. Stankov reported that he had not been in touch with neither and believed that there was no more time available for this application.

MOTION: Ms. Krawiecki, Ms. Mulvey second, to deny without prejudice, Application IWWC#21-07 Applicant: Ideal Woodworking Owner: Marcin Urbaszek Location: 129 East Lake Street Proposal: Increase Water Entrance by 12'x13'; Excavate for Pervious Paver Terrace Uphill and Outside Regulated Area due to the lack of communication and the fact that the applicant is out of time; motion passed with Mr. Molinelli, Ms. Mulvey, Ms. Krawiecki, Mr. Lippincott, Mr. Paganelli, and Mr. Timmeney voting aye while Mr. Davenport opposed.

B. IWWC#21-09 Applicant/Owner: Michael Goncalves and Desiree Goncalves Location: 524 East Wakefield Boulevard Proposal: Install Dock and Boat Lift.

MOTION: Mr. Molinelli, Mr. Lippincott second, to continue Application IWWC#21-09 Applicant/Owner: Michael Goncalves and Desiree Goncalves Location: 524 East Wakefield Boulevard Proposal: Install Dock and Boat Lift to the October 20, 2021 regular meeting; unanimously approved.

C. IWWC#21-24 Applicant/Owner: Richard Szabo Location: 112 Weigold Road Proposal: Construction of Single-Family Residence.

Neither the applicant/owner nor a designated representative was present for the meeting. Mr. Stankov reported having met with Richard Szabo regarding the abutting property at 110 Weigold Road that was referred to him for an agent approval. Mr. Stankov noted that some of the documentation he was requiring for that approval had been submitted. He explained that the cuts used from 110 Weigold Road would be used for fill at 112 Weigold Road. Mr. Stankov indicated that he had advised Mr. Szabo that he would need additional information on the wetlands at 112 Weigold Road.

MOTION: Ms. Mulvey, Ms. Krawiecki second to continue Application IWWC#21-24 Applicant/Owner: Richard Szabo Location: 112 Weigold Road Proposal: Construction of Single-Family Residence to the next regular meeting of October 20, 2021; unanimously approved.

D. 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/owner nor a designated representative was present.

MOTION: Mr. Davenport, Mr. Paganelli second, to continue 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 to the next regular meeting of October 20, 2021; unanimously approved.

E. IWWC#21-31 Applicant: Gary Goulet Owner: Jonathan Abram Location: 632 East Wakefield Boulevard Proposal: Reset Lower Patio and Steps; Build New Retaining Wall

and Raised Lawn Area; Install New Paver Patio; Rebuild Existing Stone Retaining Wall; and Install Stone Steps.

Gary Goulet appeared before the Commission regarding this application. Mr. Goulet noted that the survey has been updated with more information including the details on coverage. Mr. Stankov remarked about his regular visits to the site and reminded the Commission about the access over this property that had been utilized by the neighbor at 634 East Wakefield Boulevard. He reported this site as stable, noting that the contractor has installed silt fence to remediate the areas disturbed by the access of the neighbor. Mr. Stankov noted that the contractor had added additional silt fence and hay bales due to the large amount of rain this season.

Mr. Lippincott observed the impervious surface was reduced. Mr. Molinelli questioned whether there was any planned work with the lake wall. Mr. Goulet indicated that there was not. Mr. Davenport questioned the boulder wall indicated. Mr. Goulet explained that the foundation was replaced last winter so rather than remove that from the site, he had suggested using that for a flat area for his customers to sit. He noted that the boulders extracted as part of the foundation repair would be used for this purpose and incorporated into a boulder wall. Mr. Goulet explained he also thought this new flat area would be ideal in catching any possible runoff from the site, as it would be caught and absorbed in that area. Mr. Molinelli questioned whether the area utilized for access by the neighbor was cleaned up. Mr. Goulet noted that there is some debris that remains that he will be handling but confirmed that the neighbor would not be using that area again.

Mr. Stankov noted that the pervious paver area for the patio will require an engineer to inspect. He noted that the pervious paver areas do function well. Mr. Davenport questioned whether the Building Official inspects that. Mr. Stankov explained that a condition of approval could be that the pervious pavers system be run by the Planning Department to verify that it meets the standards. Mr. Stankov confirmed that Professional Engineer Joe Green had provided a detail.

Mr. Paganelli questioned how wide the 100' sidewalk was. Mr. Goulet explained that there was a permeable walkway with granite steps. Mr. Paganelli opined that the water hitting the sidewalk would run down the stone and into the patio. He noted that loading it in that manner will increase the hydraulic pressure and will create more volume. Mr. Paganelli suggested that detail was for a flat surface and that an engineer ought to review the volume of the bottom patio due to the slope. Mr. Molinelli questioned whether the detail ought to be reviewed by an independent engineer prior to approval. Mr. Paganelli thought it should. He also shared his concerns with the loading of the foundation. He suggested that water stops be added so that the water does not flow directly down the slope and towards the home.

Mr. Goulet questioned whether the site needed to be engineered. Mr. Molinelli suggested that if this application was to be reviewed by an independent engineer who would advise whether he supported the plan as prepared or had suggestions for modifications, the commission would likely support that. On the other hand, if the applicant would like to return to his own engineer and seek more depth and detail on the proposal, the commission may accept that, too, according to Mr. Molinelli. Mr. Davenport questioned the degree of the slope and whether the steps were proposed as pervious. Mr. Goulet explained that he may have to modify the work if he were to run into boulders. He also explained that if he is compelled to get his own engineer, this site might not get finished this year due to the shortage of available engineering. Mr. Paganelli suggested adding some waterstops that might help with the plan.

Mr. Molinelli suggested that Mr. Goulet meet with the Planning Department ahead of the next meeting.

MOTION: Mr. Davenport, Mr. Paganelli second, to continue Application IWWC#21-31 Applicant: Gary Goulet Owner: Jonathan Abram Location: 632 East Wakefield Boulevard Proposal: Reset Lower Patio and Steps; Build New Retaining Wall and Raised Lawn Area; Install New Paver Patio; Rebuild Existing Stone Retaining Wall; and Install Stone Steps to the next regular meeting; unanimously approved.

F. IWWC#21-37 (Modification of IWWC#20-66) Applicant/Owner: James Brandolini and Lynn Brandolini Location: 272 Perch Rock Trail Proposal: Enlarge Deck; Modify Lake Wall with Granite Pieces.

Ms. Krawiecki read aloud an email from the applicant to staff requesting a continuance.

MOTION: Ms. Krawiecki, Mr. Davenport second, to continue Application IWWC#21-37 (Modification of IWWC#20-66) Applicant/Owner: James Brandolini and Lynn Brandolini Location: 272 Perch Rock Trail Proposal: Enlarge Deck; Modify Lake Wall with Granite Pieces to the December 15, 2021 regular meeting; unanimously approved.

G. IWWC#21-38 (Modification of IWWC#16-10, IWWC#18-27, IWWC#19-33, IWWC#20-12) Applicant/Owner: Bob and Jennifer Leach Location: 348 East Wakefield Boulevard Proposal: Replace Previously Existing Shed with New 4'x12' Shed in Same Footprint.

Bob Leach again addressed the Commission regarding this application. The pre-existing nonconforming shed was discussed. The consensus of the commission was that this shed should be added to the note to be submitted by the partner of the abutting property, Harris Daigle. Mr. Leach confirmed that there would be no excavation/foundation for the shed.

MOTION: Ms. Krawiecki, Mr. Davenport second, to approve Application IWWC#21-38 (Modification of IWWC#16-10, IWWC#18-27, IWWC#19-33, IWWC#20-12) Applicant/Owner: Bob and Jennifer Leach Location: 348 East Wakefield Boulevard Proposal: Replace Previously Existing Shed with New 4'x12' Shed in Same Footprint, subject to the standard 1-12 conditions along with the following additional condition:

13. Shed to be installed on blocks and not on a foundation;

unanimously approved.

H. IWWC#21-39 (Modification of IWWC#18-14, IWWC 19-27) Applicant/Owner: Bob and Jennifer Leach Location: 302 East Wakefield Boulevard Proposal: Add One 10'x10' Jetski Lift, One 10'x10' Boatlift, and Add One 500-gallon Propane Tank.

Bob Leach was present for the discussion of this application. Mr. Molinelli noted that attention should be paid to the angle of the dock.

MOTION: Mr. Davenport, Mr. Lippincott second, to approve Application IWWC#21-39 (Modification of IWWC#18-14, IWWC 19-27) Applicant/Owner: Bob and Jennifer Leach Location: 302 East Wakefield Boulevard Proposal: One 10'x10' Boatlift with a 3'x20' walkway and Add One 500-gallon Propane Tank subject to the standard 1-12 conditions along with the following additional conditions:

13. Work with Town's Wetlands Agent for final placement of the dock considering navigational needs of others.

14. Written confirmation from other property owner, Harris. Daigle, that he had no objections to the encroachment of littoral boundary setbacks.

15. Cash and erosion sedimentation bond of \$500 to be submitted to the Planning Department;

unanimously approved.

8. NEW BUSINESS:

A. IWWC#21-40 (Modification of IWWC#18-02) Applicant: Zac Neville Owner: Richard Josefek Location: 104 Shore Drive Proposal: 18'x24' Addition (Transfer of Permit).

Richard Josefek appeared before the Commission regarding this application. He explained that his proposal was a transfer of a preexisting permit granted to a previous owner. Mr. Molinelli questioned whether the shed was the same size as the one previously approved. Mr. Josefek indicated that the proposed shed was not the same and confirmed it was between the house and the lake. Mr. Davenport noted that there was not much detail provided for the addition. Mr. Molinelli questioned whether the proposal needed to go before Zoning. It was confirmed that it did. Mr. Stankov noted that the proposal would reduce the impervious surface coverage.

Mr. Davenport questioned the drainage following the improvements and the construction sequence. He questioned whether the addition would include a full foundation or a slab on grade. Mr. Stankov agreed that there may be more information needed such as whether low impact development techniques would be moved. In response to an inquiry, Mr. Josefek confirmed the 18'x24' addition had been already approved as part of a previous application. Mr. Paganelli questioned whether the previous approval included an engineered plan.

It was noted that typically the Commission would be reviewing the foundation plans, where the footing drains are located, the leader drains, and where the runoff flows.

Mr. Molinelli questioned whether the Commission can request more information if the applicant is only looking for a transfer of the permit and whether the permit is tied to the individual or to the property. Mr. Stankov noted that a permit that has been granted rests with the property. A pending application rests with the applicant, according to Mr. Stankov. He noted that the subject plan is different than the 2018 plan except for the shed.

The consensus of the Commission was that a site plan should be submitted to include the drainage, the foundation, erosion control, location of stockpile(s), and a raingarden, if included as a drainage feature.

MOTION: Mr. Davenport, Ms. Mulvey second, to accept and continue Application IWWC#21-40 (Modification of IWWC#18-02) Applicant: Zac Neville Owner: Richard Josefek Location: 104 Shore Drive Proposal: 18'x24' Addition (Transfer of Permit) and Shed; unanimously approved.

B. IWWC#21-41 (Modification of IWWC#20-17, IWWC#20-47, and IWWC#21-35) Applicant/Owner: Ken Albino and Maria Miele Location: 376 East Wakefield Boulevard Proposal: Substitute IWWC-Approved Rain Garden with Two 4x4x4 Concrete Leaching Galleys.

Ken Albino appeared before the Commission regarding this application. Mr. Albino noted that while his engineer had recently received approval for a modification, he had not had an advance opportunity to review the same ahead of that meeting. Upon returning to his home and staking it out, he was of the opinion that it was not going to work. Mr. Albino explained that the current alternative was prepared to substitute leaching galleys for the previously approved rain garden. He noted that his engineer, Mike Sherman, has been the PE performing the drainage analysis from the beginning. Mr. Albino noted that there is a 30' drop from the top of the property to the lake and noted that the only access he has to get lawn mowers down to that side of the property is on that side of the yard.

Mr. Paganelli noted that a professional engineer had completed drainage calculations to size the galleys for the water. Mr. Molinelli questioned whether the commission would want an independent engineer to review the design.

MOTION: Mr. Lippincott, Ms. Krawiecki second, to accept and approve Application IWWC#21-41 (Modification of IWWC#20-17, IWWC#20-47, and IWWC#21-35) Applicant/Owner: Ken Albino and Maria Miele Location: 376 East Wakefield Boulevard Proposal: Substitute IWWC-Approved Rain Garden with Two 4x4x4 Concrete Leaching Galleys, subject to the conditions as already approved; unanimously approved.

9. AGENT ACTIONS:

A. Determinations.

No determinations were reported.

B. Warnings/Violations.

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

Mr. Stankov confirmed that the site still appeared to be stable and that the property owners have submitted an application to the Board of Selectmen for an easement to restore what was previously there. He reported the BOS has referred the matter the Planning and Zoning Commission for an 8-24 referral before acting on it.

ii. 348 East Wakefield Boulevard.

From the earlier discussion of the property owner's two applications, this violation was considered resolved. It was noted that the subject lift should be relocated by the October 20, 2021 regular meeting. The Commission confirmed that a jetski lift, without a cover, remains permitted on 348 East Wakefield Boulevard.

Mr. Stankov later noted that he will follow up on the property and if not remedied within 30 days, a citation will be issued.

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

No further discussion occurred beyond the earlier Show Cause Hearing.

iv. Property Opposite 353 East Wakefield Boulevard (Daigle).

Mr. Stankov reported the site as restored and suggested that this item could be removed off future agendas. He noted that the site has grass growing.

v. 308 East Wakefield Boulevard.

Mr. Stankov reported that Mr. Sliney has been conferring with the office and is continuing with his efforts to have engineered plans prepared.

vi. 713 East Wakefield Boulevard.

Mr. Stankov reminded the commission that this property that was cited for clearing and the owners had indicated that they were having a survey prepared. He noted that he had not heard from them for some time and would follow up.

vii. West Wakefield Boulevard (Connole)

Mr. Molinelli reminded Mr. Stankov that the property owners have not yet come before this commission. He relayed the history with this property and the legal challenges with title the current property owner is addressing.

Mr. Stankov reminded the Commission about the informal discussion they indulged local resident John Noone about the Still River. He noted that he had advised Mr. Noone to seek approval from the State of Connecticut Department of Energy and Environmental Protection (DEEP) prior to any disruptions or work with any beaver dams. Mr. Stankov noted that confirmation has been received from the United States Army Corp of Engineers (ACOE) that they are not interested in regulating that area. The Planning Department will assist Mr. Noone with the local permitting process after approval has been gained from DEEP, according to Mr. Stankov.

Mr. Stankov reported on the loss of a driveway's culvert at a residential property on Colebrook Road following Tropical Storm Ida. He noted that an emergency repair was undertaken by the property owner. Mr. Stankov indicated the property owner had not sought approval from him as the wetlands agent, DEEP, nor ACOE. He noted that he was waiting for a response from both agencies as to whether they will take any action in this regard.

The meeting was adjourned at 9:19PM.

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