

**TOWN OF WINCHESTER
INLAND WETLANDS & WATERCOURSES COMMISSION
Town of Winchester Town Hall, 338 Main Street
P. Francis Hicks Room – 2nd Floor
August 18, 2021 – 7:00PM
Regular Meeting Minutes**

1. CALL TO ORDER:

Inland Wetlands and Watercourses Commission Secretary/Acting Chairman Jackie Mulvey called the meeting to order at 7:00PM.

2. ROLL CALL:

Roll call was completed by Ms. Mulvey. Present at the meeting in addition to her were Jackie Mulvey, Andrea Krawiecki, Jeff Lippincott, and Gary Paganelli as well as Wetlands Agent Michael Stankov. Steve Molinelli, Russ Davenport, and Kurt Timmeney were absent excused.

3. APPROVAL OF MINUTES – July 21, 2021 Regular Meeting:

MOTION: Ms. Marino, Ms. Krawiecki second, to approve the July 21, 2021 Regular Meeting Minutes and Regular Meeting Minutes; unanimously approved.

4. AGENDA REVIEW:

No modifications were made to the agenda.

5. PUBLIC HEARINGS:

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

It was reported that the applicants had relayed that they were expecting a Certificate of Title but had not yet received one and that a continuance could be granted, the consensus of the Commission was to grant one.

MOTION: Mr. Marino, Ms. Krawiecki second, to continue Application IWWC#21-09 to the September 15, 2021 regular meeting; unanimously approved.

The Commission recessed at 7:06PM. They reconvened at 7:16PM.

6. 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.

MOTION: Ms. Marino, Ms. Krawiecki second, to continue Application to the next regularly scheduled meeting scheduled for August 18, 2021; unanimously approved.

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

As the public hearing was still open, the application was continued with no discussion.

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

Mr. Stankov reported that he had spoken with Mr. Szabo earlier the date of this meeting. Mr. Szabo had relayed that his site plan was not yet updated depicting the flagged wetlands. Mr. Szabo had requested a continuance, according to Mr. Stankov.

MOTION: Ms. Krawiecki, Mr. Lippincott second, to continue Application IWWC#21-24 Applicant/Owner: Richard Szabo Location: 112 Weigold Road Proposal: Construction of Single-Family Residence to the September 15, 2021 regular meeting; 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.

Normand Laliberte appeared before the Commission regarding this application. He indicated that he had not adequately described his proposal at the July meeting and had left unsure what the commission was seeking. Having understood that a consultation with an engineer was being sought by this commission, Mr. Laliberte reported being unable to contract one. The Commission indulged the applicant as he again described the plan that was presented at the July meeting. He communicated his lack of understanding what the commission had questions with regarding his proposal.

Mr. Laliberte indicated that his regulated work included four points: (1.) to convert the overhead electric service to an underground service; (2.) to install a patio along the lake wall; (3.) to relocate the timber walkway over and convert it from timbers to stone; and (4.) to add stone retaining walls. Mr. Laliberte indicated that the stone walls were not “retaining” walls as they were retaining the parking area. He explained that he was unsure why he was having a hard time getting this work approved as he was “trying to clean up the topography from the house itself to the street”. He noted that it is currently a steep incline and is overgrown vegetation. Mr. Laliberte explained that there has been so much added on to his site that the plans he submitted are confusing to look at.

Mr. Lippincott explained that the main concern was with the flow of the water and how the changes will change the hydrology. Mr. Laliberte agreed that this was one of the questions but explained that he was merely looking to add two stone walls and indicated that it would not add any drainage issues to the property.

Mr. Stankov explained that while the walls might improve the conditions, neither he nor the applicant are experts in the flow of water and the work may worsen conditions. He noted that what was being sought was something from an engineer to speak about runoff or stormwater management report. Mr. Stankov noted that there was an area on the southern side of the property that may be suitable for a raingarden to retain some rainwater. Additionally, the proposed stockpile area was in the town’s right of way. He noted that this Commission does not have the authority to allow that. Mr. Laliberte indicated that this project was only a ten-day project. Mr. Stankov noted that may be the plan barring no catastrophic event which might prevent trucks from accessing the site.

MOTION: Ms. Marino, Ms. Krawiecki 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 September 15, 2021 regular meeting; 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 questioned whether a patio surface existing under a roof should be considered impervious. In reviewing the

application, discussion ensued regarding how the total impervious surface might be reduced. Getting the water to leach into the ground should be able to be achieved due to the overall size of the site. Mr. Goulet explained that trees were taken down and that the neighbor had created an access way for their site.

Mr. Goulet noted that he would like to install a rain garden. It was noted that if the total impervious surface was under 15%, there should be no need for a design by a professional engineer.

As the property owner, Jonathan Abram, was present for the meeting, he requested an opportunity to question how the impervious surface could have changed if the footprint of the house was remaining the same. It was determined that the increase came from the addition of the steps, the retaining boulders, and the new garage. Ms. Marino questioned whether the amount of impervious surface had ever been approved. Mr. Goulet explained that no survey had even existed on the property. Mr. Abram indicated that one of the patios is going to be pervious. The consensus of the commission is that any changes should be added to the plans, the zoning table updated, and resubmit a revised plan.

MOTION: Ms. Mulvey, Mr. Paganelli second, finding the proposal as not significant, 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 September 15, 2021 regular meeting; unanimously approved.

7. NEW BUSINESS:

A. IWWC#21-34 (Modification of IWWC#21-25) Applicant/Owner: Beth Lachance Location: 534 Wheelers Point Proposal: Replace Dock Float; Add Jetski Lift and Walkway; Add Buoy.

Beth Lachance appeared before the Commission regarding this application. Ms. Lachance explained that the float at the end of the dock was cracked, the first part of the proposal was to replace it with a new section. Ms. Mulvey questioned the amount of lake frontage. Referring to the survey, Ms. Lachance noted she had 148' feet of frontage. Ms. Mulvey questioned the dimensions of the jetski lift. Ms. Lachance noted that she was unsure but that it was being purchased from ShoreMaster and that copies of the brochure had been included. It was noted that the size of the jetski lift was 5'x7' and the associated walkway was 3'x10'. The boatlift was 10'x10', according to Ms. Lachance.

Mr. Lippincott questioned how far out the buoy would be. Ms. Lachance indicated that it would be around 20' from shore as she wanted to attach a foam mat. Ms. Mulvey questioned that. Ms. Lachance noted that the foam mats roll up and can be taken out. At present, the IWWC regulations do not address those foam mats, according to Mr. Stankov.

MOTION: Ms. Marino, Mr. Paganelli second, to approve Application IWWC#21-34 (Modification of IWWC#21-25) Applicant/Owner: Beth Lachance Location: 534 Wheelers Point Proposal: Replace Dock Float; Add Jetski Lift and Walkway; Add Buoy; unanimously approved.

B. IWWC#21-35 (Modification of IWWC#20-47 and IWWC#20-17) Applicant/Owner: Kenneth Albino and Maria Miele Location: 376 East Wakefield Boulevard Proposal: Ten-Foot 1'x1' Mortarless Wall; 3-zone Irrigation System.

Ken Albino appeared before the Commission regarding this application. Mr. Albino requested the Commission also review a modification to the approved rain garden. He explained that he

had requested his engineer to visit the site this past July after the local heavy rainstorms. He noted that originally the area of land between the lake wall and the first inner interior wall was a section filled with pea stone. Mr. Albino was inclined to revise his plans after it was also discovered that along the lake wall and beneath the pea stone, there was a slab with drains that traveled the width of the property. The rain garden was being sized larger and it would be relocated slightly inland.

Mr. Stankov explained that the raingarden had changed shape a bit and had an elevated swale in the back which would act as a slight rise which would allow water to pool more effectively in the rain garden. He noted that his staff comments had detailed his site inspections over the past month and had noted the small field stone wall constructed from the corner of the garage and the abutting property at 374 East Wakefield Boulevard. Mr. Stankov noted it to be located 99.5 feet from the lake but nonetheless was a landscape feature within the regulated area.

Additionally, Mr. Stankov noted that this proposal includes adding an irrigation system. He reminded the Commission that at the July regular meeting, the commission determined irrigation systems as regulated and therefore requiring an application but could otherwise be reviewed by an agent.

Mr. Albino explained how crucial it would be to have an irrigation system that would be operated remotely. With regards to the landscape feature, Mr. Albino explained that he has a lot of water that runs off onto his property from the Winchester Land Trust property uphill. He noted that the landscape wall was not retaining anything and was merely to discourage foot traffic in that area.

Ms. Marino questioned whether Mr. Stankov had inspected this site. He confirmed, reporting that no reticulation was observed. Ms. Marino questioned whether it appeared that water was being diverted as a result of the landscaping wall. Mr. Stankov indicated that he did not observe that to be the case.

MOTION: Mr. Lippincott, Ms. Krawiecki second, to approve Application IWWC#21-35 (Modification of IWWC#20-47 and IWWC#20-17) Applicant/Owner: Kenneth Albino and Maria Miele Location: 376 East Wakefield Boulevard Proposal: Ten-Foot 1'x1' Mortarless Wall; 3-zone Irrigation System and Modification to Raingarden; unanimously approved.

C. IWWC#21-36 Applicant/Owner: Michael Carlson Location: 7 Woods Lane Proposal: Build Approximately 6'x30' Porch Over Existing Deck.

Michael Carlson appeared before the Commission regarding this application. Copies of a survey that was recently completed by Land Surveyor John DiCara was distributed. Mr. Carlson apologized for having already completed the work. Ms. Mulvey questioned what was completed. He noted that he had added a roof over half of an existing deck. Mr. Lippincott questioned why there were no changes reflected in the Zoning Table. It was noted that the work had already been completed and therefore the site plan only reflected existing conditions.

Ms. Marino noted that even if the roof was taken off, the amount of impervious surface coverage would still exceed what is allowed in that zone. She questioned whether this amount of impervious surface coverage had already been approved. Initially Mr. Carlson reported that it was but then explained that he had purchased the property in this condition.

Ms. Krawiecki questioned where the rain gutters flow. Mr. Carlson indicated that they flow into the paved driveway. Ms. Krawiecki suggested the addition of rain gardens. It was noted that Mr. Carlson will be going to the Zoning Board of Appeals and the consensus of the commission

was that board would seek raingardens. Staff noted that there is a sandy beach next to the pond. Ms. Marino questioned whether the sand goes into the lake. Mr. Stankov explained that Winchester Club Pond is very different than Highland Lake in that there is very little wake activity. He indicated that the aerial photography of the site would indicate that the stamped concrete patio adjacent to the pond has been there since at least 2004. He did not think that sand was an active problem into the water body. Mr. Carlson indicated that Winchester Club Pond does not allow motorboats at all. Mr. Lippincott questioned whether the driveway is sloped towards the pond. Mr. Carlson indicated the property does slope toward the pond. Mr. Stankov opined this activity does not impose a significant impact.

Ms. Mulvey questioned how steep the property was. Mr. Stankov indicated that it was not steep. Ms. Marino questioned whether Mr. Carlson was amenable to installing some plantings and a rain garden. He noted that he was unfamiliar with a rain garden.

Discussion followed over moving the rain gutters. Ms. Krawiecki questioned whether a licensed contractor would be doing this work. Mr. Carlson indicated that he was a licensed contractor. Ms. Krawiecki reminded him that permits needed to be applied for and received prior to work being undertaken.

MOTION: Mr. second, Ms. Krawiecki second, to accept and approve Application IWWC#21-36 Applicant/Owner: Michael Carlson Location: 7 Woods Lane Proposal: Build Approximately 6'x30' Porch Over Existing Deck, subject to the standard 1-12 conditions and the following:
13. Wetlands Agent to review and approve the changing of water flow from the gutters to the driveway to the grassy area;

unanimously approved.

Mr. Paganelli recused himself from the following application and exited the meeting room.

D. 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.

Michael Brandolini and Lynn Brandolini appeared before the Commission regarding this application. Ms. Brandolini indicated her proposal included a deck and work with the lake wall. She explained that the plan was to attach a patio to the existing patio. She noted that the area was currently gravel, reporting that would be removed and replaced with a low deck in that area. Mr. Lippincott questioned whether a car had ever driven over the gravel. Ms. Brandolini indicated that it had not. Mr. Brandolini suggested that the gravel may have been added under the former Zoning Regulations during a time when gravel was not considered impervious. He noted that there was a significant amount of gravel. They explained that for the deck project, the gravel would be removed, and the area would be seeded but the locations of the six piers. Discussion then ensued regarding the wall. Mr. Lippincott questioned how the granite stone pieces would be secured to the wall. Ms. Brandolini noted that the current cap slopes towards the lake water and referred commissioners to the photographs of the existing conditions. Mr. Stankov noted that the wall there currently is not high enough. Mr. Lippincott suggested that the waves generated from all the boat traffic do not help with the problem. Mr. Brandolini indicated that the granite will increase the height of the wall by one foot and will be shimmed in place. In response to an inquiry regarding whether the shims could also move, Mr. Brandolini noted that the shims will be held in place with concrete. Between the wall and the yard, gravel will be added behind it wrapped in filter fabric and then covered with topsoil, according to Mr. Brandolini. He indicated that he did not need a drawdown to complete this work, explaining that the wall will be heightened from the lake side. Mr. Stankov indicated that he did not observe

erosion at the site. He noted that the staging for the lakewall would occur outside the review area and would be used for the mixing of concrete and the cutting of the granite. He suggested that a condition of approval could be that work not commence until after the seasonal drawdown. The consensus of the commission was that the work should not begin until the drawdown. Ms. Marino questioned who had provided the profile drawings for the work. It was noted that the newest commissioner, Mr. Paganelli, was a very good friend of the applicants/owners and had assisted them in the preparation of the proposal. The commission discussed having these plans reviewed by an independent engineer.

MOTION: Ms. Marino, Ms. Krawiecki second, to separate Application IWWC#21-37 (Modification of IWWC#20-66) Applicant/Owner: James Brandolini and Lynn Brandolini Location: 272 Perch Rock Trail and approve the proposal to enlarge the deck, to accept the portion of the application to modify the lake wall with granite pieces and refer that to an engineer for an independent review; unanimously approved.

E. 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 and Jennifer Leach appeared before the Commission regarding this application. Mr. Stankov explained that as the applicants own the neighboring parcel, they were seeking to locate a small dock and boatlift on 302 East Wakefield Boulevard and to construct a shed at their residence at 348 East Wakefield Boulevard. He distributed photographs of the site. Mr. Lippincott questioned whether there would be piers. Mr. Leach indicated that the shed would be located on blocks. He explained that it was there when they were constructing their home but that an excavator had damaged it. He noted that he was amenable to relocating it further back from the lake. Ms. Marino questioned the size of the lot. Mr. Leach noted that it was .17 acre. Ms. Marino questioned whether the shed was permitted. It was noted that the shed likely predated the Zoning Regulations. Ms. Krawiecki questioned how the shed would be constructed. He noted that it would resemble the home and would include a gable roof.

It was noted that the original permit was nearing expiration and that staff still needed to examine the file from the variance from the approval of the house to ensure that the proposal had not included any testimony that the shed was to be abandoned as part of the home expansion. The 2016 IWWC approval had included a vegetative bedding and staff was unsure whether that had been completed.

The commission discussed approving the extension of the 2016 permit but continuing the current proposal to the following meeting.

MOTION: Ms. Mulvey, Mr. Lippincott second, to accept and continue Application IWWC#21-38 to the September 15, 2021 regular meeting and to approve a five-year extension of the permit granted under Application IWWC#16-10; unanimously approved.

F. 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 and Jennifer Leach appeared before the Commission regarding this application. The Commission was reminded about the 2018 permit application that had been approved and the survey of this entire cove with an aerial view overlay that had been submitted. A subsequent modification to rid the parcel of the poison sumac made by these new owners had followed that permit, according to staff.

Ms. Marino questioned the amount of lake frontage for this parcel. Mr. Leach indicated that it had 26.82 feet. Mr. Leach explained that the proposed walkway was 20'x3' with a 10'x10' boatlift. Copies of a modified drawing depicting only a walkway, a boatlift, and a propane tank so as to comply with the 50% coverage limit of the Dock and Mooring Ordinance. Discussion ensued regarding how this proposal to relocate a lift at 348 East Wakefield to this parcel would bring that property into compliance.

Mr. Leach confirmed that the proposed propane tank would be an underground tank. He noted that the location for the tank may even be outside the 100' review area.

MOTION: Ms. Mulvey, Ms. Krawiecki second, to accept Application 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 and due to the water structures falling within the 10' littoral boundary, to schedule a public hearing for the September 15, 2021 regular meeting; unanimously approved.

8. AGENT ACTIONS:

A. Determinations.

Mr. Stankov reported that although he was supposed to receive a plan on 112 Weigold Road, he had not yet been provided with one and had therefore not issued an approval.

B. Warnings/Violations.

i. Parcel opposite 215 West Wakefield Boulevard (Preusse)

Mr. Stankov reminded the Commission that part of this property had been stabilized by the Town. He reported having recently met on site with the owner, his design team, and Zoning Enforcement Officer Marc Melanson.

ii. 348 East Wakefield Boulevard

Mr. Stankov noted that no fines had been issued on this property as an application had been received prior to gaining legal guidance on process. Mr. Stankov described the challenges with issuing citations and the conflicting advice he had received.

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

Mr. Stankov reported the challenges faced with gaining service on the property owner. He noted that he is following this property.

iv. Property Opposite 353 East Wakefield Boulevard (Daigle)

Mr. Stankov reported that the sand had been removed at 353 East Wakefield Boulevard.

v. 308 East Wakefield Boulevard

John Sliney was present for the meeting. Mr. Stankov reported the property owner as recently receiving his completed survey. Due to the resulting impervious surface from the unpermitted work, Mr. Stankov explained that some type of corrective action and/or variance will likely be undertaken and the owner is currently exploring that.

vi. 713 East Wakefield Boulevard

Mr. Stankov reported that the property owners were working on getting their survey updated. Mr. Lippincott shared his deep reservations about the action undertaken on this enforcement action. Ms. Marino noted that there were many trees taken down at this property. Mr. Stankov

noted that the lack of vegetation would lend to that assertion, too. Discussion followed on what constitutes clear cutting.

vii. West Wakefield Boulevard (Connole)

Mr. Stankov reported that the property owners were working on getting their survey updated.

9. COMMUNICATIONS AND BILLS.

The request of the Winchester Land Trust was discussed under Other Business.

10. OTHER BUSINESS.

A. Review of General Code Revisions.

Staff explained the Town had undertaken General Code to codify the ordinances and regulations. A review was undertaken of those sections that were part of a request from General Code related to this commission to provide recommendations and/or corrections. The following questions were reviewed: 390-001 through 390-29 and 380-001 through 380-004.

Ms. Marino requested further information be provided regarding Question 390-024 regarding the public hearing process. It was noted that the state law wetland provisions were amended in 2003 to remove the previous specific requirements and instead replace them with a reference to Connecticut General Statutes Section 8-7d.

B. Endorsement for Land Trust Grant Application for 60-acre Acquisition on Old Waterbury Turnpike.

The commission reviewed a request made by the Winchester Land Trust related to a grant application to acquire a 60-acre parcel. The consensus of the commission was to support the request.

C. Discussion on Catch Basin Maintenance Schedule.

No business was discussed.

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

Mr. Lippincott reported that Eversource was going to relocate the gas line so that the work with the Pratt Street culvert could begin during the first week of September. He noted that Lenard Engineering is working on four areas at Highland Lake for drainage improvements. Mr. Rollins indicated that the catch basin maintenance would resume following that, according to Mr. Lippincott.

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

Ms. Mulvey queried whether each commissioner had received a copy of the newsletter. Ms. Krawiecki confirmed that she had.

The Commission received comments from John Noone. He described his clearing of brush and ridding of garbage from the Still River recently. Mr. Noone noted that he had been able to make the river navigable. He noted that he has only recently undertaken that work again and has discovered obstacles created by beavers. He reported there currently being five or six active beaver dams whereas a couple of years ago there were only one. Previously, Mr. Noone explained that he would deconstruct a little portion of the dam so that he could get through but noted that when he would return shortly after, it would have grown. Staff questioned whether Mr. Noone was seeking a determination as to whether beaver dams were a regulated activity

requiring a permit. He opined that to deconstruct four beaver dams over a course of a mile was a waste of time but explained that he was seeking to make the Still River a navigable watercourse or water trail. Mr. Stankov confirmed that consultation should be made with the Department of Energy and Environmental Protection or the US Army Corp of Engineers for this type of work. A recommendation was made that Mr. Noone prepare a plan and consult with DEEP, USACOE, or both. It was also noted that Mr. Stankov would follow up with DEEP on this.

11. ADJOURN.

MOTION: Ms. Krawiecki, Mr. Lippincott second, to adjourn at 10:55PM; unanimously approved.

**Respectfully submitted,
Pamela Colombie
Recording Secretary**