

**TOWN OF WINCHESTER
INLAND WETLANDS & WATERCOURSES COMMISSION
Town of Winchester Town Hall, 338 Main Street
P. Francis Hicks Room – 2nd Floor
July 21, 2021 – 6:00PM
Special Meeting Minutes**

1. CALL TO ORDER:

Chairman Steve Molinelli called the meeting to order at 6:00PM.

2. ROLL CALL:

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

3. SHOW CAUSE HEARINGS:

A. Owner: Rob J. Leach and Jennifer A. Leach Cease and Desist Order Location: 348 East Wakefield Boulevard Map: 032 Block: 105G Lot: 304-307 Violation: Additional Boatlift Installed.

Mr. Stankov distributed photographs of the subject site. He noted that there are two canopies at the dock for 348 East Wakefield Boulevard and indicated that there were two boats parked under those canopies. He described them as two functional lifts. Mr. Stankov reported the communications with the property owner include a claim that one of the lifts is supposed to be a jetski lift. However, with a boat being parked under that, it would invalidate that claim, according to Mr. Stankov.

Mr. Molinelli recalled the same configuration being in place a year ago and noted that the homeowner had been advised then that he was only entitled to one boat lift and one jetski lift. At the time the property owner reported that he had not had adequate funds to purchase a jetski lift. Mr. Molinelli noted that this was not a concern of this commission. He reported the property owner continued throughout the 2020 summer in violation of the Dock and Mooring Ordinance. Mr. Molinelli reported the property owner being warned in May or June of 2021 to alert the property owner about the situation of the lifts, advising that he either locate a jetski under the lift or remove the lift.

Mr. Lippincott questioned whether Mr. Stankov had actually observed the lift being functional as he recalled the property owner reporting that it was not. Mr. Stankov indicated that he had not gone on the property and only observed from a distance and therefore could not be certain. Ms. Krawiecki questioned whether the Town could remove it and send the property owner an invoice. Mr. Molinelli did not think so but suggested that the property owner be advised again about the violation and provide a reasonable amount of time to correct the violation. Mr. Molinelli suggested a week in this respect followed by fining if the property owner should fail to do so.

Staff reported having had a conversation only moments before this meeting as the property owner was in the hallway of Town Hall for a different meeting. It was noted that the green card, serving as evidence of receipt of the certified mail, had not yet been received. The property owner had only been informed of the meeting moments before through the chance encounter.

Mr. Molinelli noted the April 16, 2021 email from staff to the property owner. The consensus of the commission was that Attorney Kevin Nelligan needed to be consulted over whether fines

could begin to accrue without the property owner receiving notice. Ms. Marino questioned the procedure for fines. Mr. Stankov noted that there was a cap, but that fines could be levied at \$100 or \$150 per day for each instance until the violation is removed. The fines could be as much as \$1K pursuant to Connecticut General Statutes, according to Mr. Stankov.

Mr. Molinelli questioned whether a letter could be issued the day following this meeting informing the homeowner that he is in violation and had ten days to remove the violation and/or that fines would begin to accrue on Day 11. Discussion ensued.

MOTION: Ms. Krawiecki, Ms. Mulvey second, to provide the property owner through July 26, 2021 to remove the second boatlift and if it is not removed, maximum fines should be retroactive to July 22, 2021; Motion passed with Mr. Molinelli, Mr. Davenport, Ms. Mulvey, Ms. Krawiecki, Ms. Marino, and Mr. Timmeney in favor while Mr. Lippincott abstained.

B. Owner: Mary I. Daigle Cease and Desist Order Location: Property Opposite 353 East Wakefield Boulevard Map: 032 Block: 105G Lot: 339-340 Violation: Dumping Sand in Lake.

Mr. Stankov distributed photographs of the site and reported that the pile of sand has been there since June 22, 2021. He noted that it appears that sand has been put in the lake to the left of the pile as well as behind the pile. Mr. Stankov reported that a neighbor had reported witnessing two dumptrucks of sand having been deposited in this area.

Ms. Marino questioned whether it would be better for the lake to remove the sand when the lake is drawn down. Mr. Stankov suggested a withdrawal could be made for an amount of sand to be removed from the top of that area once the water has been drawn down. He noted that it would still be an unknown how much needs to be removed to reach the native lakebed.

Shawn Daigle appeared before the Commission regarding this property owner. Mr. Molinelli explained that the concern is that sand had been deposited in this waterfront at a previous time. Mr. Stankov indicated that the sand should be removed, explaining that the longer the sand is there, the slope will be destabilized. Mr. Lippincott questioned the last time sand was put into the lakebed at this location. Mr. Daigle indicated that it had been a couple years. He explained that the shorefront is eroded. Mr. Molinelli explained that erosion needs to be addressed in another way but the immediate concern of the commission was to have the pile of sand on the land removed immediately and some type of seed and/or vegetation be installed in its place. When Mr. Daigle suggested installing some topsoil, it was communicated to him that to do so, or anything beyond removing the sand and installing seed, would require an application.

The commission agreed that Mr. Daigle would have a week to get a contractor to the site to remove the sand. They requested silt fence be installed between the pile and the lake by Thursday, July 22, 2021. Mr. Molinelli requested fines be levied after a week if the sand pile remains.

MOTION: Mr. Molinelli, Ms. Krawiecki second, to erect silt fence, remove the sand, institute erosion controls over the course of one week after which a fine of \$100 per day will be imposed for failure to be in compliance; unanimously approved.

C. Owner: John F. Sliney and Christine C. Sliney Cease and Desist Order Location: 308 East Wakefield Boulevard Map: 032 Block: 105G Lot: 315-316 Violation: Installation of Patio and Walkway, Clearing of Trees.

Mr. Stankov explained that Mr. Sliney's most recent application before the Commission was a repair of a lakewall during the last drawdown. A copy of the survey was provided to the

Commission. Photographs were also distributed to the commission. Mr. Stankov explained trees had been removed and a pathway of impervious stone had been installed. Additionally, Mr. Sliney had installed a patio at the lake's edge.

Mr. Lippincott questioned whether a plan was available depicting what was pervious versus impervious surface. Mr. Sliney indicated that he has been trying to get his engineer, Berkshire Engineering, to complete an updated survey.

Staff noted that the photographs provided from the wetlands office included conditions from September, 2019 and two photographs of the current conditions.

Mr. Sliney explained that he had a very large cedar tree that had died had been taken down as he has an elderly neighbor who frequently swims in the cove. Ms. Marino questioned whether the property owner knew that he needed a permit. He explained that he kind of did, but that the impervious was very similar to the pervious. Mr. Stankov indicated that the site appeared stable but that only an engineer should comment on permeability of a surface. He noted that removing a tree is an as-of right activity.

The consensus of the commission was that an application should be submitted as well as an after-the-fact fee. Mr. Molinelli indicated that an engineering report should also be submitted.

D. Owner: Jared F. Hawley Cease and Desist Order Location: 713 East Wakefield Boulevard Map: 044 Block: 105R Lot: 027+28 Violation: Clearing of Trees.

Brianna Torneo and Jared Hawley appeared before the Commission regarding this matter. Mr. Stankov reported that Building Official/Zoning Enforcement Officer Marc Melanson and he were out in the field on June 22, 2021 when a complaint was received about clearing on a town-owned parcel adjacent to 713 East Wakefield Boulevard. He noted that there was some clearing on both parcels although the extent of each is not readily known.

The violation cited was clearing and clearing town-owned property. Ms. Torneo explained that her contractor cut only five dead trees. She noted that the Town did not have a survey on record of her property. Mr. Lippincott questioned whether the stumps were removed. Ms. Torneo indicated that they were not. Ms. Torneo indicated that she will have a survey be completed. Mr. Molinelli questioned whether any more trees would be removed. Ms. Torneo indicated that there will not. Mr. Molinelli questioned whether a survey would be completed by October 1. Mr. Hawley and Ms. Torneo confirmed.

E. Owner: Michael Connole and Nancy Connole Cease and Desist Order Location: West Wakefield Boulevard Map: 113 Block: 121 Lot: 23-24 and 011A Violation: Installation of Unpermitted Dock.

Mr. Stankov reported having conversed with the property owner the day prior to this meeting. He noted that she was aware that the docks were in violation and that there was no permit. Mr. Stankov reported that an application had been taken and that one of the docks was in the process of being removed. Mr. Stankov distributed photographs of the docks at this property. Mr. Lippincott questioned whether the boat lift was permitted. It was noted that it was not. Ms. Marino questioned whether that was being removed. Mr. Stankov confirmed.

4. ADJOURN:

MOTION: Ms. Marino, Mr. Timmeney second, to adjourn at 7:14PM; unanimously approved.

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