



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

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

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

**March 17, 2021 – 7:00PM
Regular Meeting Minutes**

1. CALL TO ORDER:

As Chairman Steve Molinelli initially experienced technical difficulties, Vice Chairman Russ Davenport called the meeting to order at 7:15PM.

2. ROLL CALL:

Roll call was completed by Mr. Davenport. Present at the meeting in addition to him were Christine Hunter, Andrea Krawiecki, Jeff Lippincott, Mary Ann Marino (8:30PM), Steve Molinelli (7:20PM), Jackie Mulvey, and Kurt Timmeney as well as staff member Pam Colombie.

3. APPROVAL OF MINUTES – February 17, 2021 Regular Meeting:

MOTION: Ms. Hunter, Ms. Mulvey second, to approve the February 17, 2021 regular meeting minutes; unanimously approved.

4. AGENDA REVIEW:

MOTION: Ms. Hunter, Mr. Lippincott second, to amend the agenda to take up the Town's application, IWWC#21-11 Applicant/Owner: Town of Winchester Location: Whiting Street Reconstruction of 700' of Road immediately following the public hearing; unanimously approved.

5. PUBLIC HEARINGS:

A. IWWC#20-58 Applicant/Owner: Shawn Stanziale Location: 504 East Wakefield Boulevard Proposal: Addition to Cottage including Deck and Covered Porch, Replace and Increase Patio, Remove and Rebuild Landscaping Walls, Add Second Floor to Detached Garage, Boatlift, Jetski Lift, Swim Float, Walkways, Relocate Driveway.

The legal notice for the public hearing was read aloud with it being noted as having been published the requisite two times, March 6, 2021 and March 10, 2021, in the Republican American.

Shawn Stanziale, accompanied by his wife Brooke Stanziale, Professional Engineer Mike Sherman, and Contractor Matthew Closson, appeared before the Commission regarding this application. He explained how his proposal had evolved, after taking into consideration the concerns of their neighbors to the north. Mr. Stanziale noted that they were seeking to construct a 600-foot addition to the southerly side of the cottage and to add to the existing detached garage.

Mr. Sherman noted that the application included relocating the driveway from the north side of the parcel to the south side of the property. Mr. Sherman explained that the impervious surface coverage would be going from 38.1% to 40%. He opined that the entire site is essentially impervious due to the ledge. Mr. Sherman shared photographs of the site, going through the existing conditions and how they would be modified as part of his client's planned improvements. Mr. Davenport questioned what appeared to be an area of runoff. Mr. Sherman explained that it was likely runoff from the neighbor's property onto his client's. Mr. Davenport questioned whether that problem could be addressed in the field. Mr. Sherman didn't think that feasible as it would involve running pipe from that location to the raingarden which would not be practical given the amount of ledge at the site.

Mr. Sherman indicated that his client was looking to add a jetski lift and a swim float to his dock system and had no interest in changing anything else with the dock system. He explained that his client was only looking

to relocate the existing boatlift. He noted that the levy and concrete walk on top of it were existing. Mr. Sherman also noted that the dock would be 36' off the existing levy, for a total of 59' off the shore. Mr. Sherman explained the boatlift was previously there along the levy but is proposed to be relocated along the dock. His client intended to install a jetski lift in the previous location of the boat lift along the levy. Mr. Sherman noted that the littoral line was going up through the center of the dock and indicated that the neighbor was okay with this situation. The swimfloat will be located at the 50' mark off the shoreline, according to Mr. Sherman.

Mr. Davenport questioned the width of the dock. Mr. Stanziale confirmed it to be 4' wide. Ms. Mulvey questioned whether the dock system was 59' long. Mr. Sherman confirmed, noting that was the measurement taken from the edge of the lake wall. Mr. Molinelli questioned whether approval had been issued for the applicant's recent work on the levy/concrete pier. Mr. Molinelli reported that it had been resurfaced along with some siderails added to it. Mr. Stanziale indicated that there had been maintenance to the concrete pier. Mr. Molinelli indicated that an approval from the Commission should have been sought. Inquiry was made to staff regarding whether the current pier/dock system and boatlift had been approved. Staff was unsure. Mr. Molinelli suggested that the application should be modified if the dock extension and boatlift had never previously been approved. Discussion ensued.

Mr. Sherman explained that his client was seeking a covered porch along with a small narrow deck on the other side of that and the addition. He noted that pervious pavers will be part of the system for a walk-out basement. Mr. Sherman indicated that bedrock will be removed for purposes of adding concrete walls for the basement. The pathway and steps from the detached garage to the area of the home were discussed. Mr. Sherman noted that a water quality basin between the two walls on the lake side of the property will be added. Mr. Sherman noted that the Department of Public Works will need to approve the driveway change.

Mr. Molinelli questioned how silt fence will be installed in the ledge that surrounds the property. Mr. Sherman noted that he had included a 6" trench and if it could not be utilized, then the plans will need to be modified to include hay bales.

Ms. Krawiecki questioned whether there should be some type of written consent from the neighbor for the dock that encroaches the littoral boundary. Mr. Davenport indicated that the discussion will likely circle back to the dock system.

Mr. Lippincott questioned the raingarden. Mr. Sherman indicated it was designed to take the first inch of rainfall.

The hearing was open to the public.

Mike Goncalves of 522 East Wakefield Boulevard spoke in support of the proposed project. He explained that the development is extending towards his property yet did not have a problem with that.

John Pollack of 502 East Wakefield Boulevard spoke in support of the project. He shared that he had no objections to the location of the dock system.

Mr. Timmeney noted that if the previous dock extension had been wood and it is currently aluminum, there should be a permit for the change.

Mr. Davenport indicated that any condition of approval should take into consideration some type of address on the dock system, whether it be to exclude that or subject the approval to further review of the dock system.

Mr. Lippincott questioned the time frame of the construction. Mr. Closson reported that it would begin in the fall of 2021. Mr. Molinelli questioned whether blasting would be necessary. Mr. Closson confirmed.

MOTION: Mr. Molinelli, Ms. Mulvey second, to close the public hearing; unanimously approved.

6. OLD BUSINESS:

A. IWWC#20-58 Applicant/Owner: Shawn Stanziale Location: 504 East Wakefield Boulevard Proposal: Addition to Cottage including Deck and Covered Porch, Replace and Increase Patio, Remove and Rebuild Landscaping Walls, Add Second Floor to Detached Garage, Boatlift, Jetski Lift, Swim Float, Walkways, Relocate Driveway.

MOTION: Mr. Molinelli, Mr. Davenport second, to approve Application IWWC#20-58 Applicant/Owner: Shawn Stanziale Location: 504 East Wakefield Boulevard Proposal: Addition to Cottage including Deck and Covered Porch, Replace and Increase Patio, Remove and Rebuild Landscaping Walls, Add Second Floor to Detached Garage 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 March 17, 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. Any apparatus on the waterfront be continued to the next regular meeting pending additional information from the wetlands agent.

14. Cash erosion and sedimentation bond totaling \$3000 to be submitted to the Inland Wetlands Office prior to the commencement of work;

Motion passed with Mr. Davenport, Ms. Hunter, Ms. Krawiecki, Mr. Lippincott, Mr. Molinelli, Ms. Mulvey, and Mr. Timmeney voting in favor while Ms. Marino abstained.

B. IWWC#20-62 Applicant/Owner: Sherwood Dawson Location: 538 West Wakefield Boulevard Proposal: Construct Single Family Residence.

It was noted that this application would have a public hearing at the April 21, 2021 regular meeting. No business was discussed.

MOTION: Mr. Davenport, Ms. Krawiecki second, to continue Application IWWC#20-62 to the next regular meeting; unanimously approved.

C. IWWC#21-02 Applicant: Christopher Chinnock Owner: Christopher Chinnock and Linda Chinnock Location: 242 Perch Rock Trail Proposal: Repair Lake Wall.

Staff noted that an email formalizing the applicant's withdrawal had not yet been received.

MOTION: Mr. Davenport, Ms. Hunter second, to continue Application IWWC#21-02; unanimously approved.

D. IWWC#21-04 Applicant/Owner: James Kloczko Location: 100 New Hartford Road Proposal: Landscape and Construction Yard – Mini-mix Concrete.

James Kloczko appeared before the commission regarding this application. Mr. Kloczko noted that the wetlands were delineated, and they were to be located on the site plan.

MOTION: Ms. Hunter, Mr. Molinelli second, to continue Application IWWC#21-04 to the next regular meeting; unanimously approved.

E. IWWC#21-05 Applicant/Owner: David Preusse and Kristen Preusse Location: 215 West Wakefield Boulevard Proposal: Replace Waterfront Decking and Rails; Rebuild Retaining Wall to Prevent Erosion of Lake Deposits; and Fencing.

Staff reported that the Town had stabilized the disturbed area along the road embankment. An email had been received from Attorney Pat Power who had been retained by the applicant and had submitted a request for a continuance of the application, according to staff. With the extra time afforded through the governor's executive order, the Commission found that the application could be extended through June 16, 2021.

MOTION: Mr. Molinelli, Ms. Krawiecki second, to continue Application IWWC#21-05 to the next meeting, or as the applicant needs, up to June 16, 2021; unanimously approved.

F. IWWC#21-06 Applicant: Matthew Closson Owner: Mark Lewis Location: 163 West Wakefield Boulevard Proposal: Rebuild Existing Deck; Relocate Dock and Boatlift.

Matthew Closson appeared before the Commission regarding this application. He provided an update on the project, noting that the broken concrete as depicted on the survey would remain. Mr. Closson reported the buoy would not be located further than 40' from his shore. He noted the dock and boatlift would be brought into compliance as depicted on the updated plan.

MOTION: Mr. Davenport, Ms. Marino second, to approve Application IWWC#21-06 Applicant: Matthew Closson Owner: Mark Lewis Location: 163 West Wakefield Boulevard Proposal: Rebuild Existing Deck; Relocate Dock and Boatlift, subject to the 1-12 standard conditions along with the following conditions:
13. Cash erosion and sedimentation bond totaling \$500 to be submitted to the Inland Wetlands Office prior to the commencement of work.
14. Approval of buoy to be part of this permit;

unanimously approved.

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

Rick Utensis of Ideal Woodworking appeared before the Commission regarding this application. Mr. Utensis reminded the Commission that they had sought additional details from an engineer on portions of the project. His clients had retained Lenard Engineering to prepare a plan set but were not yet ready to move forward at this meeting. He sought a continuance on the project but for the swingset. Mr. Utensis explained his clients would like to get going on that component of the project, noting it was outside of the 100' review area. Mr. Davenport suggested that the swingset area is far away from the lake and on a gentler slope to allow approval of that part of the project ahead of the balance.

MOTION: Mr. Davenport, Mr. Molinelli second, to approve a portion of Application IWWC#21-07 Applicant: Ideal Woodworking Owner: Marcin Urbaszek Location: 129 East Lake Street Proposal: Level Area for Swingset and Add Woodchips and to continue the remaining parts of the application including Increase Water Entrance by 12'x13'; Excavate for Pervious Paver Terrace Uphill and Outside Regulated Area; unanimously approved.

H. IWWC#21-08 Applicant: Jason G. Gagnon Owner: MG Property Development Location: Platt Hill Road (Map 037, Block 154, Lot 022X) Proposal: New Single Family Home Construction with Well and Septic.

Jason Gagnon accompanied by Professional Engineer Joe Greene appeared before the Commission regarding this application. Staff suggested that approval be conditioned upon final receipt of approval of the septic design by Torrington Area Health District.

Mr. Greene reported the site had the wetlands delineated and described the location of the flagged wetlands. He noted that two culverts had been installed in the driveway. He explained the septic system is as close to the building line that could be fit. Mr. Greene noted that the footing drain and some of the grading would occur in the upland review area.

MOTION: Mr. Molinelli, Ms. Mulvey second, to approve Application IWWC#21-08 Applicant: Jason G. Gagnon Owner: MG Property Development Location: Platt Hill Road (Map 037, Block 154, Lot 022X) Proposal: New Single Family Home Construction with Well and Septic, subject to the standard 1-12 conditions as well as the following:

13. Subject to Torrington Area Health District approval.
14. Engineered stamped drawings be submitted to Planning Department along with stamped soil reports;

unanimously approved.

The Commission recessed at 9:40PM and reconvened at 9:48PM.

7. NEW BUSINESS:

A. IWWC#21-09 Applicant/Owner: Michael Goncalves and Desiree Goncalves Location: 524 East Wakefield Boulevard Proposal: Install 6'x40' Dock and 10'x12' Boat Lift. Aluminum Removeable Dock with Legs.

Michael Goncalves appeared before the Commission regarding this application. Staff reported that she had consulted with the Town's legal counsel, Attorney Kevin Nelligan, regarding this and the following application, relaying that he advised that the Commission should make a determination that each respective applicant has access to the lake and then review each application independently.

Mr. Goncalves noted that his proposed dock would be removable. He reported the property has been established as his through a completed survey and had located pins on the physical property. Mr. Goncalves indicated that the survey includes the location, through the depiction of dashed marks, of the end of the right-of-way, too. Mr. Goncalves reviewed some of the title history that was part of this property.

Mr. Molinelli questioned whether the dock was proposed in the area of the lake wall. Mr. Goncalves noted that the area is a partial wall, rock, the stream, more rock, and then his other wall. He did not think there was enough room for anyone to stay outside the littoral boundaries but that as he was the property owner on the other side, he was prepared to grant to himself the permission to do so. Mr. Goncalves understood that there must be a public hearing. He noted that while the stipulated settlement prevented obstructions to the ability to pass and repass, he could accomplish this.

With respect to ownership, Mr. Goncalves indicated that he pays taxes on the property and had a survey done with the parcel of land in the shape of a hockey stick. He noted that the recorded 1927 mylar of this area had been modified with subsequent hand-written notes and ought to be restored to its original form. He noted the legal description of the deed regarding this piece references from West Wakefield Boulevard to the water.

Mr. Goncalves referred the Commission to subsection b from Paragraph 7 on page 10 of the IWWC Regulations "...and written consent of the landowners if the applicant is not the landowners..." Mr. Molinelli suggested any documents the applicant would like shared with the Commission and Attorney Nelligan be forwarded to staff.

Mr. Molinelli questioned the width of the property. Mr. Goncalves indicated the tie line was 40' but estimated the actual width to be 35'.

Discussion ensued regarding the location of the proposed dock relative to the littoral boundaries. Ms. Marino noted that the proposed dock and boatlift did not appear to have been drawn by the surveyor. Mr. Molinelli questioned whether the proposed dock would encroach onto the littoral boundary of the neighbor on Wheelers Point. Mr. Goncalves indicated that he would adjust the size and location of the dock and boatlift so that it definitely did not do that. Mr. Molinelli explained that littoral boundaries should be included according to the cove method. It was noted that the dimensions of the proposed dock and boatlift should be added by the surveyor.

Mr. Molinelli requested that staff consult with Attorney Nelligan regarding whether a dock and/or boatlift could be put in a right-of-way. He noted that this question applies to both this application and the following application. An additional question that the Commission requested Attorney Nelligan address was whether the owner of a property that is subject to a right-of-way, and has been paying taxes on it, has more rights than someone else who only has rights to the same right-of-way. Ms. Mulvey questioned whether a dock at the end of a right-of-way would then become an extension of the right-of-way thereby allowing all with rights to the right-of-way to use that dock.

Mr. Goncalves posited that there are no docks on public rights-of-way, only when an association shares in the ownership of the right-of-way.

The 2015 settlement agreement between the former owner and the neighbors at 523 East Wakefield Boulevard was discussed. Mr. Molinelli questioned whether the right of the neighbor at 523 East Wakefield Boulevard might be affected in terms of putting a jetski in the water if there was a dock located in the water.

MOTION: Mr. Molinelli, Ms. Mulvey second, to accept Application IWWC#21-09 Applicant/Owner: Michael Goncalves and Desiree Goncalves Location: 524 East Wakefield Boulevard Proposal: Install 6'x40' Dock and 10'x12' Boat Lift. Aluminum Removeable Dock with Legs finding the activity to be significant, to schedule a public hearing for April 21, 2021 at 7PM;
Motion passed with Mr. Davenport, Ms. Krawiecki, Mr. Lippincott, Mr. Molinelli, Ms. Mulvey, and Mr. Timmeney being in favor while Ms. Hunter and Ms. Marino were opposed.

B. IWWC#21-10 Applicant: Keith Becker, Nancy Becker, Brian Ward, and Vicki Ward Owner: Keith Becker and Nancy Becker Location: 523 East Wakefield Boulevard Proposal: 10'x15' Concrete Pad at Shore with 4'x25' Dock Attached.

Keith Becker, Nancy Becker, Brian Ward, and Vicki Ward appeared before the Commission regarding this application. For the purposes of transparency, Mr. Molinelli reported having had a telephone conversation with Mr. Becker on the day prior and had only discussed the process of this Commission in terms of accepting the application during the first meeting, listening to the applicant's presentation, and requesting whatever documentation the Commission may need in order to move forward at the second month's meeting when a decision is rendered.

Mr. Becker noted that his wife has an injury and as they have become older, they thought it would be nice to have an easier way to get to their boat. He indicated that his boat and that of his neighbors are the only two boats in this location approximately 15' from shore. Ms. Becker referenced the 2015 judgement, disagreeing with the previous applicant's assertion that he was the sole owner of the subject waterfront land. She noted that the judgment contained the distinction between "Fugere's rights to Unity Beach" and "Becker's rights to Unity Beach" as well as "Fugere's property" and "Fugere's use of Unity Beach".

Mr. Molinelli recalled that this Commission had previously requested from local Land Surveyor John DiCara a determination whether the subject area was one property or was two properties. Mr. Becker agreed, reporting that Mr. DiCara had written a letter confirming the area along the water known as Unity Beach was not owned by the same owner as 522 East Wakefield Boulevard and was probably owned by heirs. Ms. Becker indicated that no one has been able to identify the owners of the property from the water to road at Wheelers Point.

Mr. Becker noted that a concrete pad was not necessary to accomplish the walkway but had merely been a suggestion of another neighbor.

Mr. Davenport questioned whether other people would have access to this dock if installed. Mr. Becker indicated that it would be used by him and his wife and the other applicants, Mr. and Mrs. Ward. Mr. Davenport wondered if other people could use this dock. Mr. Becker maintained that the only people who have used this area are the owners of these two abutting properties at 523 East Wakefield and 521 East Wakefield. Mr. Molinelli suggested that fact would not preclude others from using it and it may be that the people belonging to the Wheelers Point Association have never chosen to use it. Mr. Becker noted that the strip of land was probably owned by the Wheelers Point Association. Ms. Becker disagreed.

Ms. Marino requested clarification be sought from Attorney Nelligan regarding whether an authorization to install a structure in the lakebed creates a conflict with the right-of-way, by creating an obstruction.

Ms. Hunter explained her reservations with this type of approval, noting that if a dock was approved for one, it would need to be approved for everyone who has access to the right-of-way. Ms. Becker noted that there were other rights-of-way that have walkways at the lake. Ms. Hunter indicated that it would have to be a

communicative agreement that everyone pitches in and acknowledges. Ms. Becker explained that was what she would like to do with the Wards. Mr. Davenport opined that it would need to be left to the lawyers. Mr. Timmeney agreed.

Mr. Molinelli requested that an additional inquiry be made of Attorney Nelligan. He wondered whether if neither applicant owned the right-of-way but had legal access to it, did that legal access give them the right to put a dock in the water. Staff communicated that they could based off of her recent conversation with Attorney Nelligan. Ms. Hunter disagreed. It was agreed that a response from Attorney Nelligan be requested in writing.

When comment was sought from Mr. Ward, he indicated that the 2015 settlement agreement referenced two parts, a grassy area in front of the two homes and the gravel driveway and then Unity Beach. He questioned whether Mr. Goncalves had rights to the water area. Ms. Ward opined that the dock and boatlift proposed by the other neighbor in the previous application would be obstructive.

It was noted that the applicants should provide a survey with the proposed structures, along with dimensions and littoral boundaries, all be located on a site plan by a surveyor.

MOTION: Mr. Molinelli, Mr. Davenport second, to accept Application IWWC#21-10 Applicant: Keith Becker, Nancy Becker, Brian Ward, and Vicki Ward Owner: Keith Becker and Nancy Becker Location: 523 East Wakefield Boulevard Proposal and 521 East Wakefield Boulevard 10'x15' Concrete Pad at Shore with 4'x25' Dock Attached finding the activity as significant and to schedule a public hearing for April 21, 2021 at 7PM;
Motion passed with Mr. Davenport, Ms. Krawiecki, Mr. Lippincott, Mr. Molinelli, Ms. Mulvey, and Mr. Timmeney being in favor while Ms. Hunter and Ms. Marino were opposed.

C. IWWC#21-11 Applicant/Owner: Town of Winchester Location: Whiting Street Proposal: Reconstruction of 700' of Road.

The discussion of this application occurred immediately following the public hearing. Professional Engineer Raju Vasamsetti accompanied by fellow Professional Engineer Lisa Slonus, both of Westin and Sampson along with Town of Winchester Project Manager Bart Clark appeared before the Commission regarding this application.

Mr. Vasamsetti reviewed the site plans for the reconstruction of Whiting Street. He noted the extent of the wetlands area and shared photographs of current conditions of the site area. Mr. Vasamsetti noted the crumbling areas of the parking lot and indicated that drainage improvements would be included as part of the reconstruction. Mr. Vasamsetti shared the FEMA map, noting the southern portion of the road was within the flood area. He explained that the profile of the road will be elevated slightly after his firm had run hydraulic analysis and determined that there would be no effect to the floodplain with the proposed improvements. Mr. Vasamsetti noted that due to funding, the project would be completed in two phases. The work is scheduled to be undertaken this spring, 2021. Mr. Vasamsetti indicated that the impact area was comprised of 1.57 acres and included both temporary and permanent impacts to wetlands areas. He noted that they were very minor. Mr. Vasamsetti indicated that there was Japanese Knotweed, an invasive, near the southern portion of the Still River.

Mr. Vasamsetti reported that new drainage will replace what was there currently and noted that drainage patterns and outfalls will be maintained. He indicated that pipes have been sized and catch basins have been planned according to State of Connecticut Department of Transportation standards. Outlet protection will be added, according to Mr. Vasamsetti. He noted that the catch basins will have deep sumps which will allow for more interception of sediment and will be maintained by the Town.

Mr. Davenport questioned the lower part of the parking lot between the American Mural Project and the Whiting Mills lot. Mr. Clark indicated that with the crosswalk and sidewalk in that area, it was necessary to gain one parking space. As part of that swap, the parking lot was turned perpendicular to the traffic, according to

Mr. Clark. He explained that the slope had to be moderated to accomplish that. Mr. Davenport questioned the existing drainage in the upper parking lots. Mr. Clark confirmed that it did and noted that those pipes would not be interrupted, explaining that they go just below the parking lots. Mr. Davenport questioned whether that drainage would be tied to the proposed new drainage. Mr. Clark indicated that it would not. He noted that from what the Town has on file, it is believed to be a 2'x3' concrete culvert and the design team did not believe it was necessary to replace that section. He noted that based on the inspections that could be completed, it was believed that the culvert was in good condition.

Ms. Marino questioned the inspections of the culverts. Mr. Clark noted the catch basin is offset from the culvert at the edge of the Whiting Mills building and access was difficult. He noted that several catch basins uphill from that had similar arrangements with the offset of the basin to the culvert. Mr. Clark noted that from what could be seen, it is a concrete structure that appears to be in good shape. Mr. Davenport questioned why it would not be replaced when digging up the whole road. Mr. Clark explained that funds were limited and where the culvert goes under the roadway, it can be tackled in Phase II if a determination is made that it is necessary. Ms. Marino questioned whether the improvements that are included and completed as part of Phase I would put more stress on the culvert and the systems that are not being addressed as part of Phase I. Ms. Slonus indicated that it would not, explaining that Phase I is a full reconstruction of the center portion of the project, installing the sidewalk, and replacing the drainage as depicted. Phase II will include reconstruction of the remainder of the roadway and some incidental improvements, according to Ms. Slonus. She reminded the commission that existing drainage patterns will remain.

Ms. Krawiecki questioned whether the direction of the flow of the river, with it going south to north, has any impact on the drainage. Mr. Clark indicated that it did not. Mr. Molinelli questioned when Phase II of the project was likely to be undertaken. Mr. Clark indicated that funding needed to be secured, noting that it did not currently have a schedule. Mr. Molinelli suggested that an eventual approval of this project include that prior to Phase II, a report be provided following additional study of the catch basin at the corner of the Whiting Mill building.

MOTION: Ms. Mulvey, Ms. Krawiecki second, to accept Application IWWC#21-11 Applicant/Owner: Town of Winchester Location: Whiting Street Proposal: Reconstruction of 700' of Road and finding that it would be in the public interest, to schedule a public hearing for the next regular meeting; unanimously approved.

D. IWWC#21-12 Applicant: Matthew Closson Owner: Jeffrey T. Dutton Location: 821 East Wakefield Boulevard Proposal: Install New 500-Gallon Underground Propane Tank.

Matthew Closson appeared before the Commission regarding this application. Staff requested that this application be referred for an agent determination. She noted that the replacement of the tank was some distance from the lake. Mr. Closson explained that it was 90' from the lake and would only involve removal of ten yards of material. He noted the complete job could be done in a day.

MOTION: Mr. Davenport, Mr. Molinelli second, to refer Application IWWC#21-12 Applicant: Matthew Closson Owner: Jeffrey T. Dutton Location: 821 East Wakefield Boulevard Proposal: Install New 500-Gallon Underground Propane Tank for an agent approval; unanimously approved.

E. IWWC#21-13 (Modification of IWWC#20-03) Applicant/Owner: East Coast Assistance Dogs (ECAD) Location: 149 Newfield Road Proposal: Modification of Application IWWC #20-03: All Regulated Activities Associated with Modified Site Plan.

Professional Engineer Jason Dismukes accompanied by East Coast Assistance Dogs (ECAD) Executive Director Dale Picard and Architect Michael Boe appeared before the Commission regarding this application. He explained that a modification was being sought. He reminded the Commission that the Fire Code required the driveway to be 20' wide. He noted that at that time, the hope was to not have to modify the area near the culvert and had planned to seek a variance from the State for that area. Since that time, measurements were taken, and a determination was made that the drive could be widened without going into the brook.

Mr. Dismukes reviewed the site plan and explained how the row of boulders along the driveway function as a guiderail. He explained that at the culvert end, there was a headwall which steps down to the bottom of the brook. Mr. Dismukes noted that the boulders could be slid over two feet on each side of the driveway to sit on top of existing boulders which would allow the 20' width.

Additionally, Mr. Dismukes explained that the impervious surface area needed to be replaced with pervious surface. He noted that the proposal included this change both before and after the culvert. He reviewed the detail for pervious pavement. Mr. Dismukes reported having had a conversation with the director of the University of Connecticut's Advanced Pavement Laboratory, a source providing guidance and specifications on pervious pavement. Mr. Dismukes explained that he had questioned whether the water runs off the pavement and had been told that it did not and was instead absorbed rather well.

Staff reported the request received from the neighbor at 147 Newfield Road, noting that both she and her attorney Robert Fisher were present for the meeting.

Mr. Dismukes reported having met with Department of Public Works Director Jim Rollins at the location who had agreed that the water in that area was just bleeding from the bank due to the cut. He noted that the water flowing onto the road had nothing to do with the ECAD property.

Amy Reeve of 147 Newfield Road shared her concerns with the Commission regarding the impact of the runoff area where it discharges onto the lower property, explaining that the applicants have indicated the wetlands as a reservoir to the runoff from the development. She opined that the runoff contributes to the water on Newfield Road. As a former realtor and having witnessed up to three feet in the basement at 151 Newfield Road, Ms. Reeve noted that the runoff from ECAD affects the neighboring property and that the water in Newfield Road is not generated solely from that small property. She noted that since the water quality basin up top has not worked, she believed there should be greater scrutiny given to this application, opining that up to now the application has been given a pass. Ms. Reeve reported that Mr. Dismukes had communicated to the Planning and Zoning Commission that all of the water from the driveway drains toward the wetlands. She noted the absence of drainage swales and plunge pools and questioned who had installed and inspected the culverts. Ms. Reeve noted the driveway was approved in 1995 as a residential driveway and has yet to be determined whether it was ever engineered and brought before the Commission for use as a commercial drive. She questioned the maintenance schedule of the pervious surfaces.

Mr. Dismukes noted that there had been no attempts to detain water with the earlier plan which this current plan does. He explained that it detains peak runoff and provides water quality treatment, so it has a chance to infiltrate the ground before leaving the basin. Mr. Dismukes noted the accessway has been in service for years. Mr. Picard indicated that there was a false fire alarm recently and the trucks had no problem with the driveway.

Attorney Fisher opined the application was incomplete, noting that there was no narrative attached which is a requirement. He noted that by Mr. Dismukes' own testimony, what was approved was inadequate. Attorney Fisher requested that the application be referred to the town's engineers for review.

Mr. Dismukes explained that the application had been modified once already. Ms. Marino questioned whether the work was reviewed by an independent engineer after it was completed. Mr. Dismukes did not think so.

Mr. Molinelli suggested the commission have an opportunity to visit the site. He noted that he did not recall any staff or engineer having conducted inspections.

Discussions ensued regarding whether to hold a public hearing or to refer the application for an independent review. It was agreed that they may seek either of these options after having had the chance to visit the site.

MOTION: Mr. Molinelli, Ms. Mulvey second, to accept and continue the application to modify the initial approval IWWC#21-13 (Modification of IWWC#20-03) Applicant/Owner: East Coast Assistance Dogs (ECAD) Location: 149 Newfield Road Proposal: Modification of Application IWWC #20-03: All Regulated Activities Associated with Modified Site Plan;

Motion passed with Ms. Hunter, Ms. Krawiecki, Mr. Lippincott, Ms. Marino, Mr. Molinelli, Ms. Mulvey, and Mr. Timmeney while Mr. Davenport was opposed.

It was previously noted that the following regular meeting is April 21, 2021 and will again be held via Zoom at 7PM.

8. AGENT ACTIONS:

A. Determinations.

B. Warnings/Violations.

i. Parcel opposite 215 West Wakefield Boulevard (Preusse)

9. COMMUNICATIONS AND BILLS:

No business was discussed.

10. OTHER BUSINESS:

A. Discussion on Catch Basin Maintenance Schedule.

No business was discussed.

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

Mr. Davenport reported having spoken with Mr. Rollins who noted that a sweeper had been purchased and has been around the lake twice and is being used to clean out catch basins. He noted that to clean out every catch basin around the lake is a six-week project. Mr. Molinelli questioned whether there could be some type of schedule provided by the Department of Public Works to discuss what had been accomplished. Mr. Davenport indicated that he would try to have that by the next meeting. Mr. Lippincott reported that a road drain improvement plan was also being put together. He was surprised to learn that the majority of the catch basins around the lake do not have sumps in them.

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

Ms. Mulvey reported having discussed this initiative with HLWA President Beth Papermaster who thought this was a good idea. She noted the HLWA newsletter was recently completed and would be mailed to each of the commissioners.

11. ADJOURN:

MOTION: Mr. Molinelli, Ms. Krawiecki second, to adjourn at 12:25AM; unanimously approved.

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