



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

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

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

**February 17, 2021 – 7:00PM
Regular 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, Christine Hunter, Andrea Krawiecki, Jeff Lippincott, Mary Ann Marino, Jackie Mulvey, and Kurt Timmeney as well as staff member Pam Colombie.

3. APPROVAL OF MINUTES – January 20, 2021 Regular Meeting:

MOTION: Ms. Hunter, Ms. Krawiecki second, to approve the January 20, 2021 Minutes; Motion approved with Mr. Molinelli, Mr. Davenport, Ms. Hunter, Ms. Krawiecki, Mr. Lippincott, Ms. Marino, and Mr. Timmeney voting in favor while Ms. Mulvey abstained.

4. AGENDA REVIEW:

Mr. Molinelli indicated that *Liaisons to Highland Lake Watershed Association and Department of Public Works* should continue to be agenda items.

5. PUBLIC HEARINGS:

Staff reported that the respective applicants for 504 East Wakefield Boulevard and 538 West Wakefield Boulevard had requested that the public hearings be held at the March 17, 2021 regular meeting of the Inland Wetlands and Watercourses Commission. No business was discussed on either Application #20-58 and #20-62.

6. OLD BUSINESS:

A. IWWC#20-46 Applicant/Owner: Thomas Troy Location: 424 West Wakefield Boulevard Proposal: Repair 130' of Lake Wall; Replace Dock Concrete Pad; Register 3'x12' Dock to 10'x10' Platform, 2 Buoys, and Float.

Staff reported having received a voicemail from the applicant, Thomas Troy, indicating that he would not be undertaking the work at this property this year.

MOTION: Mr. Molinelli, Ms. Hunter second, that based on the report from staff having received a voicemail from the applicant for a voluntary withdrawal of the application, to deny Application IWWC#20-46 Applicant/Owner: Thomas Troy Location: 424 West Wakefield Boulevard Proposal: Repair 130' of Lake Wall; Replace Dock Concrete Pad; Register 3'x12' Dock to 10'x10' Platform, 2 Buoys, and Float, without prejudice; unanimously approved.

B. IWWC#20-58 Applicant/Owner: Shawn Stanziale Location: 504 East Wakefield Boulevard Proposal: Renovate Cottage and Detached Garage to Add Second Floor Living; Relocate Driveway.

As a public hearing had been continued to the March 17, 2021 regular meeting, no business was discussed.

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

As a public hearing had been continued to the March 17, 2021 regular meeting, no business was discussed.

D. IWWC#20-73 Applicant/Owner: Patrick Hussey Location: 752 Lake Drive Proposal: Dock, Repair Steel, Replace Wood Decking.

Patrick Hussey appeared before the Commission regarding this application. Mr. Hussey noted that additional design documents had been provided to staff. He reviewed the first drawing, explaining that it depicted the new proposed dock, and noted that some of the existing decking will need to be removed to get the new dock anchored to the stonewall and concrete pad that is there now. Mr. Molinelli questioned whether the proposal included a cantilever dock. Mr. Hussey indicated that it would not be, explaining that it will be anchored to a pier. Staff questioned whether there was a deck along the lake wall. Mr. Hussey confirmed, noting that it overhangs the wall by three or four feet. He noted that it was there when he purchased the house in 2002.

Mr. Molinelli questioned how much of the dock would overlap the land or would be attached to the fascia, facing the water. Mr. Hussey indicated that the dock would be fastened to anchors at the wall. Mr. Davenport questioned whether there would be any excavation needed to fasten the dock off the existing deck area. Mr. Hussey indicated that there would not be. Mr. Lippincott reported having visited the site and reviewed the project, explaining that the decking would be removed off the existing steel beams and would be simply replaced. Mr. Davenport observed that the work would have to be done in the winter while standing on top of the ice or else it would not be able to be done. Ms. Marino surmised that a crane would be necessary otherwise while Mr. Hussey explained that it would not be possible to get a crane in that area.

Mr. Molinelli questioned the littoral boundaries with the dock. Mr. Hussey indicated that he had over 100' of lakefront and confirmed that the dock was not within the 10' littoral boundary.

MOTION: Ms. Marino, Mr. Davenport second, to approve Application IWWC#20-73 Applicant/Owner: Patrick Hussey Location: 752 Lake Drive Proposal: Replace Steel Decking Under Dock by way of Removing Decking, Replacing I-Beams, and Replacing Decking, Securing I-beams to Concrete Pad on Land Side and Securing it to Concrete Pier Which is on the Lakebed, 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 February 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. Drawings to be amended reflecting location of dock confirming that no part of it falls within the 10' littoral boundaries;

unanimously approved.

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

Staff reported having received a voicemail from the applicant communicating his intent to withdraw the application.

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

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

James Kloczko, accompanied by Professional Engineer Robert Green, appeared before the Commission regarding this application. He reminded the Commission that he has a landscaping business including snowplowing, mowing lawns, light construction work, and mini-mix concrete. Mr. Kloczko explained that the mini-mix concrete part of his business requires outdoor bulk storage of loose sand and stone. He noted that he and his engineer are confident that this business could be conducted without any contamination into the surrounding wetlands and brook.

Mr. Green explained that the site plan still needed to be developed so that the proposal can be viewed. He indicated that everything proposed would be confined to the existing curbing. Mr. Green reported his surveyors were on site on the date of this meeting and were preparing plans to reflect where the sand and stone will be stored and where the cement silo will be located. He indicated that most of the activity will be within the limits of the upland review area. Mr. Green explained that current conditions do not allow for the wetlands to be flagged. He reminded the Commission that the former Kentucky Fried Chicken approval allowed for a reasonable amount of fill to be deposited so that the current building could be constructed.

Mr. Green indicated that he would present at a later date how the project will work once the site plan has been completed. Mr. Green explained that his client was seeking approval for the coming and going of the mini-mix truck in the interim, noting that none of the materials can be accessed during the current cold weather conditions.

Mr. Davenport explained that the concerns of the Commission relayed at the last meeting lay within the drainage conditions at the site as well as maintenance plan for the current drainage structures. Mr. Green indicated that a filter fabric has been installed underneath the grate in case anything should happen despite his doubts that anything would. He agreed that until the mapping is completed, and this can be substantiated, his client had installed a filter fabric to ensure that there would be no escape of materials into that structure.

Mr. Lippincott questioned the design of the catch basin structure and whether the silt and sand sink to the bottom. Mr. Davenport confirmed. Mr. Green indicated that this could not be confirmed currently because of the snow. Mr. Molinelli requested that a maintenance plan be provided with the site plan.

Mr. Molinelli noted that during his site visit earlier on the date of this meeting, Mr. Kloczko had indicated that he was agreeable to relocating the sand area further away from the catch basin. Mr. Molinelli was eager to see the recommendations in this respect put forth by Mr. Green.

In terms of the applicant being able to come and go from this location with his mini-mix truck, Mr. Green assured this commission that there would be no activity of product being moved, deposited, or removed from the area.

It was noted that until a complete site plan including the delineation of the wetlands and a maintenance plan for drainage was submitted, the commission was not yet prepared to accept the application.

Mr. Timmeney questioned the mention of a garage by the applicant. Mr. Kloczko confirmed that he had a garage door installed in the building.

No action was taken on the application.

G. 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.

Neither the applicants nor a designated representative appeared before the commission regarding this application.

Review comments from the town's consulting engineer for this project were noted as having been emailed a couple of hours prior to this meeting. The comments addressed the most recent submittals from the applicant on February 15, 2021.

After delaying any further review to the end of the meeting to allow time for the applicants and/or a member of their team to join the meeting, the Commission returned to the discussion about this application. They discussed whether a request ought to be made of the Department of Public Works to stabilize the area. The consensus of the commission was to direct staff to communicate to Jim Rollins that action be undertaken to stabilize the area and request that confirmation in this regard be sought from Mr. Rollins and be provided to them at their next meeting.

7. NEW BUSINESS:

A. IWWC#21-06 Applicant: Matthew Closson Owner: Mark Lewis Location: 163 West Wakefield Boulevard Proposal: Rebuild Existing Deck

Matthew Closson appeared before the Commission regarding this application. He noted that a set of deck drawings and a survey depicting existing conditions had been provided. Mr. Closson explained that the proposal included replacement of the existing deck in the same current footprint less the overhangs.

The existing dock was reviewed with it noted as not meeting the town's *Dock and Mooring Ordinance*. Mr. Closson reported that the dock can be repositioned 90° so that it would. He indicated that the boatlift would be

relocated to comply, too. Mr. Closson agreed to have the site plan updated to include these modifications. Mr. Molinelli requested littoral boundaries be added to the site plan along with the distance of the buoy. Mr. Closson indicated that he would confer with his client about the area identified on the site plan as broken concrete and whether his client would like to have that removed.

MOTION: Ms. Hunter, Ms. Krawiecki second, to accept IWWC#21-06 Applicant: Matthew Closson Owner: Mark Lewis Location: 163 West Wakefield Boulevard Proposal: Rebuild Existing Deck, finding the proposed activity as not significant; unanimously approved.

B. 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 Utenis of Ideal Woodworking appeared before the Commission regarding this application. The Commission reviewed the narrative included in the application.

Mr. Davenport questioned what would be added to the base of the water entrance. Mr. Utenis explained that the current 18" step into the water would be dug back so it is graded out toward lake with only a 2" step down from the lake. Mr. Davenport questioned whether any material would be brought into that area. Mr. Utenis indicated that only what is there currently would be used.

Ms. Marino questioned whether there was any plan to install a buffer garden. Mr. Utenis indicated that there was not. Inquiry was made as to whether it likely that the property owner would be amenable to adding a buffer. Mr. Timmeney indicated that a buffer garden should be added to the entire lakefront to prevent lawn clippings from entering the lake water.

Mr. Lippincott questioned whether the lake walls would be extended back towards the home in the area of the water entrance. Mr. Utenis confirmed. Ms. Marino questioned what would prevent erosion in the area of the entrance. Mr. Utenis indicated that there would be nothing to prevent it.

As a realtor in the area, Ms. Hunter shared a photograph depicting the parcel from the perspective from the water. Mr. Davenport requested a profile detail of the added retaining walls in the entrance area. Ms. Marino and Ms. Hunter questioned what would be in place to prevent erosion. Ms. Mulvey questioned the depth of the entire inlet and how the slope would be formed. Mr. Utenis noted the slope to be gradual, explaining that it was 18" over 12'. Mr. Lippincott suggested that a swale at the top of the entrance sloped off to the sides might accomplish avoiding any potential for erosion. Ms. Marino agreed noting that any water from wave action would flow into buffer garden. Mr. Molinelli cautioned the commission against designing the project for the applicant. He urged the applicant to share these concerns with his engineer.

Mr. Utenis reviewed the patio noting that a retaining wall will be added to the perimeter of it with steps in the center. Mr. Davenport requested that the details on this be added to the next set of plans. Ms. Marino also requested that the site access be included, too. Mr. Utenis noted the paved area of the driveway ends just past the house and access to the swing set area would be gathered from that area. Access to the terrace, through a 20' strip of lawn, would be from the other side of the house, according to Mr. Utenis.

Mr. Molinelli questioned how high the retaining wall for the patio would be. Mr. Utenis estimated the highest point of patio to be 32" but the top of a wall along the edge of the patio would likely be 46". Ms. Marino questioned whether there might be considerations to drainage on the site resulting from the patio.

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

C. 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 Green, appeared before the Commission regarding this application. Mr. Gagnon indicated that he was purchasing the lot and intended to construct a new home. A driveway had been installed ten to fifteen years ago, according to Mr. Gagnon. Mr. Gagnon confirmed that there were wetlands on this property but reported most of the activity will likely be outside of the upland review area. It was noted that the septic design was not yet finished and while the site plans were not yet complete, there would probably be more than a half-acre of disturbance. Mr. Green indicated that soil testing was being completed the following week and the site plans should be completed the week after that.

The guidance from the Commission was that the wetlands should be reflagged. As the plans were considered to be incomplete, the consensus of the Commission was to hold off on accepting the application until it was clear where the limits of activity would be, whether there were proposed grade changes, and the proximity to the wetlands.

8. AGENT ACTIONS.

A. Determinations.

B. Warnings/Violations.

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

Discussion on the violation occurred with direction provided to staff to communicate with the Department of Public Works and the town's attorney Kevin Nelligan to proceed with the stabilization of the area.

9. COMMUNICATIONS AND BILLS.

10. OTHER BUSINESS.

A. Discussion on Catch Basin Maintenance Schedule.

None.

B. Liaisons to Highland Lake Watershed Association and Department of Public Works.

Discussion occurred about the benefits of establishing liaisons with the two entities, the Highland Lake Watershed Association (HLWA) and the Department of Public Works (DPW), and how doing so would foster good communication. Mr. Davenport and Mr. Lippincott agreed to serve as liaisons to the DPW. Ms. Mulvey and Ms. Marino agreed to serve as liaisons to the HLWA.

Ms. Mulvey suggested that a future agenda item include discussion on how lake frontage is measured in terms of whether a straight line from property corner to corner at the water edge should be the benchmark used or whether each jog can be included in the total calculation. Mr. Molinelli noted that this should be included as an agenda item.

Mr. Davenport questioned whether properties along the Still River and the wetlands area on Torrington Road were being monitored. It was agreed that he would phone staff to describe which specific properties he is referencing.

Mr. Timmeney encouraged fellow commissioners that as applications are approved, applicants should be reminded that activity should not begin until receipt of their certified letter and staff is notified of a start date.

11. ADJOURN:

MOTION: Mr. Davenport, Ms. Krawiecki second, to adjourn at 9:10PM; unanimously approved.

Respectfully submitted,

Pamela A. Colombie

Recording Clerk