



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

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

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

**December 16, 2020 – 7:00PM  
Regular Meeting Minutes**

**1. CALL TO ORDER:**

Secretary Russ Davenport called the meeting to order at 7:00PM.

**2. ROLL CALL:**

Roll call was completed by Mr. Davenport. Present at the meeting in addition to him were: Andrea Krawiecki, Mary Ann Marino, Steve Molinelli, and Jackie Mulvey as well as staff member Pam Colombie.

Kurt Timmeney was absent excused. Christine Hunter was absent.

**3. APPROVAL OF MINUTES – November 18, 2020 Regular Meeting and December 4, 2020 Special Meeting:**

**MOTION:** Ms. Krawiecki, Ms. Mulvey second, to approve the November 18, 2020 Regular Meeting Minutes; unanimously approved.

The approval of the December 4, 2020 Special Meeting Minutes was pushed to the next regular meeting.

**4. AGENDA REVIEW:**

No changes were made to the agenda.

**5. PUBLIC HEARINGS:**

**A. IWWC#20-32 Applicant/Owner: Mark Mandell and Merrill Mandell Location: 410 East Wakefield Boulevard Proposal: Install 18" Goose Barrier Fence Along Top of Existing Sea Wall; Modify Existing Boat Ramp to Create a 12'x12' Seating Area with Steps Using Existing Stone.**

**MOTION:** Mr. Davenport, Ms. Krawiecki second, to continue the public hearing to the January 20, 2021 regular meeting; unanimously approved.

**6. OLD BUSINESS:**

**A. IWWC#20-32 Applicant/Owner: Mark Mandell and Merrill Mandell Location: 410 East Wakefield Boulevard Proposal: Install 18" Goose Barrier Fence Along Top of Existing Sea Wall; Modify Existing Boat Ramp to Create a 12'x12' Seating Area with Steps Using Existing Stone.**

As the public hearing was continued, no business was discussed on Application IWWC#20-32.

**B. IWWC#20-46 Applicant/Owner: Thomas Troy Location: 431 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.**

**MOTION:** Mr. Davenport, Mr. Molinelli second, to continue Application IWWC#20-46 to the next regular meeting scheduled for January 20, 2021; unanimously approved.

**C. IWWC#20-49 Applicant/Owner: Kevin Winn and Marcia Winn Location: 658 East Wakefield Boulevard Proposal: Repair Lake Wall. Remove Concrete Cap. Remove and Replace Stone as Far Down as Needed. Replace with New Concrete Cap.**

**MOTION:** Mr. Davenport, Mr. Molinelli second, to continue Application IWWC#20-49 to the next regular meeting scheduled for January 20, 2021; unanimously approved.

**D. IWWC#20-58 Applicant/Owner: Shawn Stanziale Location: 504 East Wakefield Boulevard  
Proposal: Renovate Cottage to Add Second Floor Living.**

**MOTION:** Mr. Molinelli, Ms. Mulvey second, to continue Application IWWC#20-58 to the January 20, 2021 regular meeting; unanimously approved.

**E. IWWC#20-61 Applicant/Owner: Kyle Davis-Fulton Location: 634 East Wakefield Boulevard  
Proposal: Repair/Rebuild Lake Wall – Remove Concrete Cap, Form and Repair Concrete Cap; Remove Existing Stucco, Rebuild Several Areas of Wall; Repair and Complete Staircase into Water.  
Remove Existing Dock and Relocate with Cantilever Dock.**

Kyle Davis-Fulton, accompanied by Professional Engineer Joe Green and contractor Matt Closson, appeared before the commission regarding this application. It was noted that the survey was updated to depict the proposed location of the 8'x40' cantilever dock along with some silt fence. Additionally, Mr. Closson had provided staff with details on the concrete pad for the cantilever dock the date of this meeting. The Commission reviewed both.

Mr. Davenport questioned whether Mr. Closson was doing the demolition work on the existing concrete pier. Ms. Davis-Fulton indicated that he was not, explaining that she had another contractor for the removal of the existing dock and associated pier and the lake wall work. Mr. Closson explained that approximately 20 yards of material will need to be removed in order to pour the pad for the dock and that he would be backfilling after it is poured. He explained that the cantilevered portion is 10'x24' but the system will have an 8'x10' floating section at the end of that.

Mr. Davenport questioned whether the lake wall was built of stone. Mr. Green indicated it was a stone wall with a concrete cap on the top of it. Mr. Davenport questioned the scope of the work. Mr. Green referred him to the notes on the survey prepared by DiCara Land Surveying. Ms. Davis-Fulton indicated that if necessary, access will be gained from the adjacent property, 632 East Wakefield Boulevard. The survey depicted a vegetative buffer extending along the lake wall, including in front of the dock system. When asked, Ms. Davis-Fulton indicated that the vegetative buffer would stop just short of either side of the dock system pad. Mr. Davenport questioned whether the walkway remains as is. Mr. Green confirmed.

Mr. Green confirmed that the contractor would not be utilizing any equipment to break up the concrete pier. Staff questioned whether a deep drawdown was necessary for the scope of work and whether there was enough time remaining to complete the project. Mr. Green confirmed that the removal of the pier would be done first. It was noted that Mr. Closson had indicated that the concrete pier for the dock would be buried. Mr. Molinelli questioned whether he anticipated hitting any water during that excavation. Mr. Closson did not believe he would but agreed to consult with staff should dewatering become necessary. He noted that he expected to begin that part of the project after the beginning of the year.

**MOTION:** Mr. Davenport, Mr. Molinelli second, to approve Application IWWC#20-61 Applicant/Owner: Kyle Davis-Fulton Location: 634 East Wakefield Boulevard Proposal: Repair/Rebuild Lake Wall – Remove Concrete Cap, Form and Repair Concrete Cap; Remove Existing Stucco, Rebuild Several Areas of Wall; Repair and Complete Staircase into Water. Remove Existing Dock and Relocate with Cantilever Dock 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 December 16, 2020 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. Cash erosion and sedimentation bond totaling \$2000 to be submitted to the Inland Wetlands Office prior to the commencement of work.
  14. If water is encountered while excavating for the cantilever dock, a dewatering plan to be submitted to the Planning Department;

*unanimously approved.*

## **7. NEW BUSINESS:**

### **A. IWWC#20-62 Applicant/Owner: Sherwood Dawson Location: 558 West Wakefield Boulevard Proposal: Construct Single Family Residence.**

**MOTION:** Mr. Molinelli, Mr. Davenport second, to continue Application IWWC#20-62 to the next regular meeting scheduled for January 20, 2021; unanimously approved.

### **B. IWWC#20-63 Applicant/Owner: Brian S. Ruggiero and Doreen L. Ruggiero Location: 129 West Wakefield Boulevard Proposal: Add Steps into Highland Lake and Add 3'x3' Landing Before First Step.**

Brian and Doreen Ruggiero appeared before the Commission regarding this application. Mrs. Ruggiero explained that the proposal included the little area where there were existing stones to go in and out of the water. She explained that her mason, Jim Volovski of Canton, had suggested removing the existing stones and installing four granite steps along with a 3'x3' blue stone landing at the top of the steps. Photographs of the existing conditions along with sample images of the proposal were reviewed.

Ms. Marino questioned the plan for the stone comprising the existing access area. Ms. Ruggiero indicated that they would be added to the existing lake wall. Mr. Davenport questioned the dock seen in the photographs. Mr. Ruggiero explained that it gets rolled in and out each year.

**MOTION:** Mr. Davenport, Ms. Krawiecki second, to refer Application IWWC#20-63 Applicant/Owner: Brian S. Ruggiero and Doreen L. Ruggiero Location: 129 West Wakefield Boulevard Proposal: Add Steps into Highland Lake and Add 3'x3' Landing Before First Step for an agent determination; *unanimously approved.*

**C. IWWC#20-64 Applicant: Randall Serkey Owner: JoAnn Serkey Location: 542 East Wakefield Boulevard Proposal: Modification of IWWC#20-09 & IWWC#17-23: Break up Large Boulders Close to Shoreline that are a Hazard.**

Randall Serkey appeared before the Commission regarding this application. Mr. Serkey explained that with the deep drawdown, the large boulders which were evident appeared to pose a safety issue. He noted that his float and dock were in the general area of the boulders. Mr. Serkey indicated that no heavy equipment will be used and nothing will be added or removed to the lake bed. Mr. Davenport questioned whether the floats had been in the water previously. Mr. Serkey explained that the rocks were hidden on a regular draw but that with a deep drawdown, it was realized that the boulders were large enough to be in the way. He noted that the dock system extends out partially over one of the boulders. The Commission reviewed the site plan most recently approved in March of 2020, where the property owner had approximated the location of the boulders. Ms. Marino questioned what was being disturbed by the rocks to the right of the dock area. Mr. Serkey noted that those were in the general area where people might be jumping off and were close enough that they could be a safety issue. Mr. Molinelli questioned how deep the rocks were. Mr. Serkey thought they may be three feet deep. Ms. Marino questioned the distance the two boulders were from the dock system. Mr. Serkey estimated them to be twelve to fifteen feet. Ms. Marino questioned the concern with a swimmer jumping off the dock and likely reaching one of those boulders. Mr. Serkey shared his concerns with the possibility of boats hitting the boulders. Ms. Marino noted that people will sometimes request a permit to install a buoy over boulders with concerns such as those. Ms. Marino questioned how long ago the property had been purchased by his wife. Mr. Serkey indicated that it was purchased three years ago. Ms. Marino explained that when the Commission is weighing decisions on disturbances to the lakebed, they try to limit the amount of disturbance to the lakebed in order to prevent unnecessary speeding up of erosion and creation of sedimentation in an effort to keep the habitat of the fish and ecosystem as undisturbed as possible. She explained how the biomass on the stones is disturbed during the breaking up of the rocks. Mr. Davenport shared his concerns with the foot traffic on the lakebed that far out that would otherwise not but for the work during the deep drawdown.

Mr. Serkey reminded the Commission that all of the work will be done by hand. Reference was made to inquiry made by staff to the Northwest Conservation District (NWCD) as well as to the town's attorney. NWCD had relayed that breaking up of boulders is a viable solution when weighed against the potential harm that could result should a boat run into a boulder and have a fuel spill, according to staff.

Mr. Serkey confirmed that after the boulder(s) were broken up, none of the pieces would be removed from the lakebed. He indicated that they would be allowed to just lay where they fall.

Ms. Mulvey opined that allowing the activity functions to alter the character of the lakebed itself.

Mr. Serkey explained that he would likely use a feather and wedge technique to break up the rocks. He opined that pneumatic electric hammers and drills could be used, too, with no harm to the environment. Mr. Serkey explained that he only intended to knock off the first approximately two feet off the rocks. Mr. Davenport questioned whether the applicant would be amenable to using planks or plywood during the work in an effort to minimize activity on lakebed.

As the Commission began to form a motion for approval, Mr. Serkey indicated that only two of the three rocks hand-drawn on the plan would be subject to the shaving of the top couple of feet off of them. The one closest to the dock system would remain as is.

**MOTION:** Mr. Davenport, Mr. Molinelli second, to approve Application IWWC#20-64 Applicant: Randall Serkey Owner: JoAnn Serkey Location: 542 East Wakefield Boulevard Proposal: Modification of IWWC#20-09 & IWWC#17-23: Break up Large Boulders Close to Shoreline that are a Hazard, subject to the standard (1-12) conditions, and the following additional conditions:

13. The owner to provide planking or pallets as a walking surface during demolition to protect the lakebed. No motorized vehicles to be used for the removal or working of equipment on the rocks;

*Motion passed with Mr. Davenport, Ms. Krawiecki, and Mr. Molinelli voting in favor while Mulvey was opposed and Ms. Marino abstained.*

**D. IWWC#20-65 Applicant: Bjorgvin Fridriksson Owner: Bjorgvin Fridriksson and Olivia Jerdan Location: 407 West Wakefield Boulevard Proposal: Modification of IWWC#19-30: Transfer Wetlands Permit to Owner and Break up and Remove Rock Close to Shoreline that are a Hazard.**

Bjorgvin Fridriksson appeared before the commission regarding this application. Mr. Fridriksson explained that the subject rock was located both one foot away from the dock and one foot away from the shoreline. He explained that the rock is a hazard to both swimmers and boaters. Mr. Fridriksson explained that while he was aware of the rock when recently purchasing the property, he was advised that to wait until the deep drawdown. He noted that there are other large rocks in the lakebed in the area too but that this one boulder is the only one that he really needs to modify. Mr. Fridriksson agreed that he does not need to move the rock and only needs to shave the top of the rock. He explained that as the rock already has holes, his contractor, Peter Hock, indicated that he could likely shave off thirty inches in one day. Mr. Davenport questioned whether the applicant was amenable to planking the lakebed for the access to the rock. Mr. Fridriksson confirmed and agreed to be on site during the work to ensure the contractor abides by the condition.

**MOTION:** Mr. Davenport, Ms. Krawiecki second, to approve Application IWWC#20-65 Applicant: Bjorgvin Fridriksson Owner: Bjorgvin Fridriksson and Olivia Jerdan Location: 407 West Wakefield Boulevard Proposal: Modification of IWWC#19-30: Transfer Wetlands Permit to Owner and Break up Rock Close to Shoreline that are a Hazard, subject to the standard (1-12) conditions and the following conditions:

13. Contractor to cover lakebed for walk area to the work area in an effort to protect the lakebed;

*Motion approved with Mr. Davenport, Ms. Krawiecki, and Mr. Molinelli voting in favor while Ms. Marino and Ms. Mulvey abstained.*

**E. IWWC#20-66 Applicant/Owner: James Brandolini and Lynn Brandolini Location: 272 Perch Rock Trail Proposal: Add Mooring Ball and Jetski Lift and Boatlift.**

**MOTION:** Mr. Molinelli, Mr. Davenport second, to continue Application IWWC#20-66 to the next regular meeting scheduled for January 20, 2021; unanimously approved.

**F. IWWC#20-67 Applicant: Dino Corp., Nancy Frink, and Lee Morsey Owner: Dino Corp. and Nancy Frink Location: 88 Hubbard Street Proposal: Timber Harvest.**

**MOTION:** Mr. Molinelli, Mr. Davenport second, to continue Application IWWC#20-67 to the next regular meeting scheduled for January 20, 2021; unanimously approved.

The agenda was modified in that Application IWWC#20-69 was reviewed and considered ahead of Application IWWC #20-68, which was reviewed after the consideration of Application IWWC#20-71.

As he was the applicant/owner to the following application, Mr. Molinelli recused himself in order to present the proposal.

**G. IWWC#20-69 Applicant/Owner: Stephen Molinelli and Rose Molinelli Location: 450 East Wakefield Boulevard Proposal: Relocate, and if necessary, Break Up Rocks Close to Shoreline, and Position and Install Under Legs of Dock System and Boatlift.**

Steve Molinelli appeared before the Commission regarding this application. Mr. Molinelli reported that he had a brook that runs along the side of his property and while he has owned the property for over thirty years, the recent rain event was the first time he has had a problem. He explained that several of the legs of his dock system had been left dangling after the area eroded from the storm. Mr. Molinelli described the proposal as necessary maintenance, and was therefore requesting approval as an agent determination, so that the remediation could be completed prior to the lake refilling. He noted that his contractor, Peter Hock, had suggested relocating loose stone from lakebed and install them under the dock system's legs to support the structures. Mr. Molinelli reported consulting with former Wetlands commissioner/Department of Public Works Director Jim Rollins who had agreed that adding rock to that area was really the only solution and that doing so was good for the habitat of the lake and the species that would grow and surround themselves around the rock. Furthermore, Mr. Molinelli relayed that Mr. Rollins had opined that this work was more of a maintenance issue. Mr. Davenport questioned whether Mr. Molinelli was amenable to bringing in rocks rather than breaking up/relocating the rocks. Mr. Molinelli agreed that he was but explained that the rocks he was referring to were not buried in the lakebed but were instead merely sitting on top.

Discussion ensued regarding other areas that have seen erosion as a result of stormwater draining into the lake. Mr. Molinelli agreed to bring rocks in to stabilize the dock system. He was amenable to utilizing plywood or some type of planking.

**MOTION:** Mr. Davenport, Ms. Krawiecki second, finding the proposed work a maintenance activity requiring immediate attention, to approve Application IWWC#20-69 Applicant/Owner: Stephen Molinelli and Rose Molinelli Location: 450 East Wakefield Boulevard Proposal: Position and Install Rocks Under Legs of Dock System and Boatlift, subject to the standard (1-12) conditions and the following additional condition:

13. Lakebed area leading up to work area to be covered with planking or plywood;

*Motion approved with Mr. Davenport, Ms. Krawiecki, Ms. Marino, Ms. Mulvey voting in favor.*

**H. IWWC#20-70 Applicant: Leroy Emmerthal Owner: Leroy D. Emmerthal and Susan L. Bey Location: 500 East Wakefield Boulevard Proposal: Modification of IWWC#20-27: Manually Reduce Height of Row of Rocks by Splitting (Rocks Prevent Boat from Utilizing Recently Approved Dock and Boatlift).**

Roy Emmerthal appeared before the Commission regarding this application. He explained that the subject parcel was an undeveloped piece. He reminded the Commission that a dock and boatlift had been approved for the parcel along with a new lake wall. He explained that the rocks are in the way of that approved location. Mr. Emmerthal explained that the proposal was similar to the others considered at this meeting in that they merely wanted to shave off the top of the rocks not remove them. He noted that only as much as is necessary will be taken off to allow boats to pass over them to get to the lift. Mr. Emmerthal agreed to put down plywood and/or pallets so as to avoid unnecessary disturbance to the lakebed. He noted that other than hand tools and an electric power drill, no other equipment will be used for the proposed work. Mr. Emmerthal reported that he would be doing this work himself and indicated that no chemical compounds would be used. He noted that it likely only one to two feet of the top of the rocks need to be removed.

**MOTION:** Mr. Davenport, Mr. Molinelli second, to approve Application IWWC#20-70 Applicant: Leroy Emmerthal Owner: Leroy D. Emmerthal and Susan L. Bey Location: 500 East Wakefield Boulevard Proposal: Modification of IWWC#20-27: Manually Reduce Height of Row of Rocks by Splitting subject to the standard (1-12) conditions as well as the following conditions:

13. Lakebed bottom to be protected by using plywood or other wooden material as an access ramp to the work site;

*Motion approved with Mr. Davenport, Ms. Krawiecki, and Mr. Molinelli voting in favor while Ms. Marino and Ms. Mulvey abstained.*

**I. IWWC#20-71 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 ECAD Executive Director Dale Picard and Architect Michael Boe, appeared before the Commission regarding this application. Mr. Dismukes reminded the Commission that the application had been reviewed by them preceding a site plan modification that had been sought from the Planning and Zoning Commission. His client was currently before the PZC with a Special Permit application but because there were what he characterized as minor, Mr. Dismukes explained a modification of the existing wetlands approval was also being sought at this time. Mr. Dismukes reviewed those changes noting that they include changing the paved apron for the outdoor exercise area into the inside of the building. Mr. Dismukes noted that this modification reduced the amount of impervious area.

Mr. Dismukes noted that the proposed water quality basins have not been changed. However, Mr. Dismukes reported the Fire Marshal advising of a code requirement change for the driveway to be widened to twenty (20') feet. He indicated that most of the driveway is already twenty feet wide but for a couple of areas, mainly at the beginning.

Mr. Molinelli questioned the total length of the existing driveway that will need to be widened. Mr. Dismukes noted it to be between 300 to 400 feet in total. Mr. Molinelli questioned whether the new driveway will be the same material. Mr. Dismukes noted that it will be paved as the Zoning Regulations already consider gravel driveways impervious. He explained that this should reduce the amount of maintenance necessary for the driveway, too.

**MOTION:** Mr. Davenport, Mr. Molinelli second, to approve Application IWWC#20-71 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; unanimously approved.

The Commission recessed at 9:10PM and reconvened at 9:16PM.

**J. IWWC#20-68 Applicant: Gary Beecher Owner: Able Sentry Location: 730 Lake Drive Proposal: Modification of IWWC#18-40 and IWWC#19-15: Break up Rock Close to Shoreline.**

Gary Beecher appeared before the commission regarding this application. Mr. Beecher explained that when the water was drawn down, a very large boulder was exposed, five to ten feet to the left of his client's dock. Mr. Beecher explained that his clients are concerned about boats getting damaged and/or swimmers getting hurt on the rock. He noted that he would like to take the top twelve to eighteen inches off the boulder either by chisel or drill along with a chemical compound to cause the boulder to break. Ms. Marino questioned the depth of the water in the location of the boulder. Mr. Beecher indicated it to be approximately five feet and estimated the boulder to be three feet high. Mr. Davenport explained that protective ramps have been requested for this type of work. Mr. Beecher agreed.

**MOTION:** Mr. Davenport, Ms. Krawiecki second, to approve Application IWWC#20-68 Applicant: Gary Beecher Owner: Able Sentry Location: 730 Lake Drive Proposal: Modification of IWWC#18-40 and IWWC#19-15: Break up Rock Close to Shoreline, subject to the standard (1-12) conditions along with the following condition:

13. Plywood or protective material be placed as a ramp up to the subject stone. Stones are not to be removed from lakebed nor is there to be any mechanical equipment for this purpose;

*Motion approved with Mr. Davenport, Ms. Krawiecki, and Mr. Molinelli voting in favor while Ms. Marino and Ms. Mulvey abstained.*

## **8. Agent Actions.**

### **A. Determinations.**

**IWWC#20-72 Applicant: RAM Contracting Owner: The Valerie M. Lochner Trustee Revocable Trust Location: 539 Wheelers Point Proposal: Preventative Maintenance.**

Robertson Michaud, President of RAM Contracting appeared before the Commission regarding this application. Mr. Michaud explained that the proposal was to install five additional support legs as a fail-safe to the existing dock system, noting that the present supports on the dock are both inadequate and failing. He reported that Cirrus Structural Engineering reviewed the project and designed the plan to install 6"x6" pressure treated lumber set atop cinder blocks in a staggered formation, held in place by a simpson post base anchored into the blocks. He noted that he would be agreeable to covering the work area and the pathway leading to it. Mr. Michaud explained that the work will be on the lakebed but will not be moving any of it and will instead be working around it.

Mr. Michaud explained that an agent determination was being sought so as to not lose any time during the deep drawdown.

Staff shared the plan of the non-conforming dock from 2014. Discussion ensued regarding the work done in 2014 by Mr. Michaud which at that time was only a repair of a non-conforming structure and whether the work completed in 2017 was a replacement. Ms. Marino suggested staff to advise the applicant/owner that if the work in 2017 is already in need of repair, if any additional repairs are needed in the near future, that the homeowner is urged to have the entire structure reviewed.

**MOTION:** Mr. Davenport, Ms. Marino second, to refer for an agent determination, Application IWWC#20-72 Applicant: RAM Contracting Owner: The Valerie M. Lochner Trustee Revocable Trust Location: 539 Wheelers Point having agreed that the work is preventative maintenance; *unanimously approved.*

### **B. Warnings/Violations.**

#### **i. SHOW CAUSE HEARINGS:**

##### **1. Owner: David C. Preusse and Timoni K. Preusse**

**Cease and Desist and Restore Order**

**Location: West Wakefield Boulevard**

**Map: 113 Block: 120 Lot: 9A-10A**

**Violation: Excavating Bank Adjacent to Road Within Upland Review Area.**

David Preusse appeared before the Commission to address the Order. Mr. Davenport questioned whether an application had been received for the activity at this location. While Mr. Preusse confirmed that one had, staff explained that only a Building Permit had been submitted to the Building Department for a deck and a retaining wall. Mr. Davenport questioned whether a site plan is being developed. Mr. Preusse shared his confusion regarding the permit that was submitted to the Town.

Mr. Davenport urged Mr. Preusse to provide as many details as possible in terms of including a site plan. Mr. Preusse reported having sent an email to staff, but staff reported not receiving the email. Mr. Davenport explained that an application was going to be necessary.

Mr. Preusse indicated that hay bales had been added to the area that had been excavated. He shared concerns with heavy rains and the possibility of a compromise to the structure of the road. Noting the current large void, Mr. Preusse explained that he could backfill the area. He explained that his contractor had pulled out an old wooden retaining wall which left a deep hole. He noted that he had not expected the excavation to be so significant. Mr. Preusse reported Professional Engineer Alan Borghesi as having visited and reviewed the site and provided him with an engineered drawing of what he deemed an appropriate wall. Mr. Davenport advised Mr. Preusse include the drawings with an application and depicted its location on a site plan. Mr. Preusse confirmed that part of his application has been contracted with Land Surveyor Peter Keefe.

**9. Communications and Bills.**

Staff reminded the Commission that the written resignation from former Chairman Ric Nalette had been received. Additionally, it was noted that Carrie Esposito had recently been appointed by the Board of Selectmen to this commission.

It was agreed that Ms. Marino would submit a letter to Town Manager Bob Geiger regarding the hiring of a fulltime wetlands officer. The consensus of the commission was that an attempt would be made for four members to meet with him to discuss it.

**10. Other Business.**

**A. Discussion on Catch Basin Maintenance Schedule.**

No business discussed.

**B. Election of Officers.**

Staff reminded the Commission that the Election of Officers has been carried and should have occurred in April, 2020. The consensus of the commission was to schedule a Special Meeting for January 6, 2020 at 7PM for the election of officers.

**11. ADJOURN:**

**MOTION:** Mr. Davenport, Ms. Krawiecki second, to adjourn at 10:30PM; unanimously approved.

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