



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

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

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

**November 18, 2020 – 7:00PM
Regular Meeting Minutes**

As both the chairman and secretary had communicated that they were unable to attend, the Commission chose by consensus to appoint Steve Molinelli as acting chairman for the Special Meeting.

1. CALL TO ORDER:

Acting 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: Christine Hunter, Andrea Krawiecki, Mary Ann Marino, and Jackie Mulvey as well as staff member Pam Colombie.

Russ Davenport and Kurt Timmeney were absent excused. Ric Nalette was absent.

3. APPROVAL OF MINUTES – November 4, 2020 Special Meeting:

MOTION: Ms. Hunter, Ms. Mulvey second, to approve the November 4, 2020 Minutes; unanimously approved.

4. AGENDA REVIEW:

It was noted that action had already been taken on Application IWWC#20-45 and should therefore, not have been included on the agenda. The consensus of the Commission was that discussion on a new application would not begin after 10PM.

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.

Staff reported having received a request from the applicant for a continuance of the application.

MOTION: Ms. Hunter, Ms. Marino second, to continue the public hearing to the next regular meeting; unanimously approved.

6. OLD BUSINESS:

A. IWWC#20-18 Applicant/Owner: Joseph Charles Location: 109 Mundry Road Proposal: Septic and Well Approval.

Neither the applicant nor a designated representative appeared before the Commission regarding this application.

MOTION: Ms. Hunter, Ms. Krawiecki second, to deny Application IWWC#20-18; unanimously approved.

B. IWWC#20-25 Applicant: Matthew Closson Owner: John Flaherty and Colleen Burke Location: 608 East Wakefield Boulevard Proposal: Install New 8’x40’ Cantilever Dock in Same Location as Previous Dock.

Matthew Closson, accompanied by his client John Flaherty, appeared before the Commission regarding this application. Mr. Closson reminded the Commission that a previous 2006 approval for a lake wall repair had included a condition that an As-Built survey of it be submitted following its completion and that one had previously not been filed.

The Commission reviewed surveys from Land Surveyors John DiCara and Peter Keefe. It was relayed to the Commission that back when the wall was rebuilt, several commissioners and the former wetlands officer had met on site to determine the location of the lake wall. The areas that had been marked with paint were field measured by surveyor John DiCara and depicted on a plan. Mr. Closson noted that the As-Built survey recently completed by surveyor Peter Keefe revealed the lake wall as located in a spot other than what was approved by the Commission.

Discussion ensued regarding how the location of the wall was found to be out further into the lake. As the wall has sat in its current location for more than ten years, the consensus of the Commission was to seek an opinion from the town's attorney about the matter but to not hold up the approval for the applicant's request for a cantilever dock.

There were questions about the precise size of the dock to be installed. Mr. Closson explained that he had requested the maximum size allowed through the *Dock and Mooring Ordinance*. Mr. Flaherty indicated that the dock is likely to be ten feet shorter than that. Mr. Closson noted that the size of the concrete base will be the same regardless of the final size of the dock. Mr. Molinelli questioned whether there were any boatlifts or jetski lifts. Mr. Flaherty indicated that there were not.

MOTION: Ms. Kraweicki, Ms. Marino second, to approve Application IWWC#20-25 Applicant: Matthew Closson Owner: John Flaherty and Colleen Burke Location: 608 East Wakefield Boulevard Proposal: Install New 8'x30' Cantilever Dock in Same Location as Previous 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 November 18, 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;

unanimously approved.

C. 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 to the December 16, 2020 regular meeting, no business was discussed.

D. IWWC#20-44 Applicant: Brian Dwyer Owner: Sylvia Gambria Location: 812 East Wakefield Boulevard Proposal: Replace Lake Wall.

Brian Dwyer appeared before the Commission regarding this application. The Commission reviewed a survey prepared by Land Surveyor Peter Keefe, dated November 5, 2020. Noting the existing wall's jog, Mr. Dwyer requested to straighten out the wall with the replacement, noting that it would not be achieved through going any further out into the lake. He indicated that the steps would not need to be replaced. Ms. Marino questioned the proposed location of the wall after taking the jogs out. Photographs of the existing conditions were shared. Mr. Dwyer agreed that there would be some loss of the yard. He noted that there would be weep holes added to the new lake wall. Ms. Marino questioned whether a vegetative garden would be added between the yard and the lake. Mr. Dwyer explained that he was hoping to avoid adding one, noting the finished wall height would be above the grade.

Mr. Molinelli questioned the debris that would likely result from the removal of concrete from the repairs that had been made over the years to the wall. Mr. Dwyer noted that the concrete will be hauled away from the stairs accessing the lakebed.

Mr. Dwyer explained that the wall would be scaled back from the point on the survey where an arrow is depicted, used to depict the 68' distance of the house to the lake, toward the eastern side of parcel.

MOTION: Ms. Mulvey, Ms. Marino second, to approve Application IWWC#20-44 Applicant: Brian Dwyer Owner: Sylvia Gambria Location: 812 East Wakefield Boulevard Proposal: Replace Lake Wall to the November 4, 2020 Special Meeting, subject to the standard 1-12 conditions and the following additional conditions:

13. An As-Built survey of the lake wall to be submitted to the Wetlands Office.

14. Vegetative buffer garden to be added along lake wall.

15. Cash erosion and sedimentation bond totaling \$1000 to be submitted to the Inland Wetlands Office prior to the commencement of work;

unanimously approved.

E. 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: Ms. Hunter, Ms. Krawiecki second, to continue Application IWWC#20-46 to the December 16, 2020 regular meeting;

unanimously approved.

F. 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: Ms. Marino, Ms. Hunter second, to continue Application IWWC#20-49 to the December 16, 2020 regular meeting;

unanimously approved.

G. IWWC#20-50 Applicant/Owner: Normand Laliberte, Jr. Location: 416 West Wakefield Boulevard Proposal: Building Retaining Walls, Replace Deck Section with Aluminum Dock and Add Stone for Improved Erosion Control.

Normand Laliberte appeared before the Commission regarding this application. Mr. Laliberte reported his updated survey had been submitted to staff the afternoon of this meeting and noted that measurements had been added to reflect the proposed location of the new wall. The Commission reviewed photographs of the site. Mr. Molinelli opined an As-Built survey should be submitted following the lake wall construction. Mr. Laliberte indicated that the wall on the southern side of the parcel would tie into the road-side area of the patio at the neighbor at 417 West Wakefield Boulevard. Ms. Marino questioned whether the wall would continue under the house. Mr. Laliberte explained that was not possible which was primarily why only stone was being proposed for under the cottage. He noted that he would have men putting the stone in place by hand but might use a conveyor belt to transfer the rocks closer to where they will be installed. Mr. Laliberte explained that his guys would be constructing berms of rip rap under the cottage.

Discussion ensued on the proposed retaining walls. It was noted that most of the area Mr. Laliberte currently uses for his parking is located off his property. Staff indicated the plan would be shared with Department of Public Works Director Jim Rollins regarding the proposed upper retaining walls. He noted that he has water running off the top of the property, down the banks, and into the lake. Following additional questions, Mr. Laliberte agreed to forgo the boulders out into the lake and the upper retaining walls but reiterated his need for the installation of the riprap under the cottage.

Mr. Laliberte reviewed the proposed changes to the deck/dock system, explaining that he planned to add aluminum legs to the dock. He noted that the decking along the home and the dock that extends out into the water would be replaced with aluminum.

MOTION: Ms. Hunter, Ms. Krawiecki second, to approve Application IWWC#20-50 Applicant/Owner: Normand Laliberte, Jr. Location: 416 West Wakefield Boulevard Proposal: Replace Deck Section with Aluminum Dock, Repair Two Seawalls, and Add Extra Stone for Improved Erosion Control under cottage, subject to the standard 1-12 conditions as well as the following additional conditions:

13. An As-Built survey of the lake wall to be submitted to the Wetlands Office.

14. Cash erosion and sedimentation bond totaling \$1000 to be submitted to the Inland Wetlands Office prior to the commencement of work;

unanimously approved.

H. IWWC#20-53 Applicant: Matthew Closson Owner: Gerald Crispino and Robin Crispino Location: 851 East Wakefield Boulevard Proposal: Construct New Single-Family Home as per Plot Plan and Drawings.

MOTION: Ms. Krawiecki, Ms. Hunter second, to continue Application IWWC#20-53 to the next meeting; unanimously approved.

I. IWWC#20-54 Applicant: Michael A. Goncalves Owner: Raymond J. Fugere Revocable Trust 3/4/99 Location: 522 East Wakefield Boulevard Proposal: Replace Existing Seawall.

Matthew Closson, accompanied by his client Michael A Goncalves, appeared before the Commission regarding this application. Mr. Closson reminded the Commission that they had requested the littoral boundaries be shown on the plans. Licensed Land Surveyor Peter Keefe had updated the survey to include these. Mr. Closson explained that the existing lake wall would be removed and replaced with a Redi-Rock® system.

Photographs of the site were reviewed. Staff questioned whether the homeowner was requesting to shorten the wall where the lake recedes into the property. Mr. Goncalves confirmed that he would like to reduce that area.

Ms. Marino questioned whether the existing lake wall would be broken up by hand. Mr. Closson indicated that he would break it up with an excavator and by accessing the right of way, would then haul the debris away. He noted that it is already crumbling. Mr. Molinelli questioned the length of the segment of the wall area that Mr. Goncalves would want to eliminate. He noted that he would like to take out about ten of the thirty-two feet from the land towards the lake. Ms. Marino questioned whether a vegetative buffer area was being added. A picture of the existing shrubberies between his yard and the grassy area of his right-of-way area was reviewed.

Mr. Molinelli questioned whether any of the proposed work is on Unity Beach. Mr. Goncalves indicated that there was not.

The location of the dock was discussed. Mr. Goncalves explained that he would prefer the dock on the westerly side of the property. Mr. Goncalves indicated the dock size to be 20'x4' with a 10'x10' float at the end. Mr. Molinelli reminded Mr. Goncalves that the dock should be located at least 10' from the littoral boundary.

MOTION: Mr. Molinelli, Ms. Mulvey second, to approve Application IWWC#20-54 Applicant: Michael A. Goncalves Owner: Raymond J. Fugere Revocable Trust 3/4/99 Location: 522 East Wakefield Boulevard Proposal: Replace Existing Seawall, Change Location of Inlet to no more than 10 feet from land into lakebed, and relocate the dock to the westerly side of the property, subject to the standard 1-12 conditions as well as the following additional conditions:

13. Cash erosion and sedimentation bond totaling \$1000 to be submitted to the Inland Wetlands Office prior to the commencement of work;

unanimously approved.

J. IWWC#20-55 Applicant: Matthew Closson Owner: Geoffrey Todd Gervasini Location: 628 East Wakefield Boulevard Proposal: Construct New Block Seawall.

Matthew Closson appeared before the Commission regarding this application. He noted that the proposal included installation of a Redi-Rock® system. Mr. Closson indicated that the crumbling stone/concrete wall will be removed. The relocation of the stairs on the southerly side of the property was noted with Mr. Closson explaining that his client would prefer them closer to the center of the property so as to align better with the set coming down from the house. Mr. Closson explained that his client was also seeking to replace the current dock with a 10'x32' cantilever dock system. He noted that a vegetative buffer garden along the wall has been included as part of the proposal. No grade changes were part of the proposal, according to Mr. Closson.

Access down to the lake was reviewed. Four trees will need to be removed, according to Mr. Closson. He noted that several of the walls will be temporarily taken down by hand and then replaced after the work down by the lake is completed. Mr. Closson confirmed that the debris from the wall will not be stored on site but will instead be hauled away in a dump truck. Mr. Molinelli questioned what type of machinery would be used near the water. Mr. Closson indicated that he would be utilizing a Skid Steer and an excavator.

Mr. Closson reported that twelve inches of crushed stone will be installed under the wall system with half of the first course buried. He explained that crushed stone is also required behind the wall and eighteen inches of crushed stone are required behind the wall, too. When questioned whether he expected to have to dewater, Mr. Closson noted that he would use a dewatering bag for filtering behind the silt fence. Additionally, Mr. Closson agreed to a second row of silt fence during construction.

MOTION: Ms. Mulvey, Ms. Krawiecki second, finding that the proposed activity is not significant to accept and approve Application IWWC#20-55 Applicant: Matthew Closson Owner: Geoffrey Todd Gervasini Location: 628 East Wakefield Boulevard Proposal: Construct New Block Seawall, Install a Cantilever Dock, and a Boatlift, subject to the standard 1-12 conditions as well as the additional following conditions:

13. An As-Built survey of the lake wall to be submitted to the Wetlands Office.

14. Cash erosion and sedimentation bond totaling \$2000 to be submitted to the Inland Wetlands Office prior to the commencement of work;

unanimously approved.

K. IWWC#20-56 Applicant: Matthew Closson Owner: David Paigo Trust Location: 656 East Wakefield Boulevard Proposal: Install New Cantilever Dock; Install Swim Area; Repoint Wall as Necessary; Install New Shed.

Matthew Closson appeared before the Commission regarding this application. He explained that the proposal includes the replacement of the existing lake steps with a wading area. Mr. Closson explained that the shed will require sonotubes and will likely need approval from the Zoning Board of Appeals.

The second dock shown on the plan was reviewed. It was noted that with only 91 linear feet of shore frontage, a second dock would not be permitted pursuant to the *Dock and Mooring Ordinance*. Mr. Closson noted that he would request Surveyor John DiCara to update the drawing to reflect the one dock. With regards to the wading area, Mr. Closson noted the walls would need to be rebuilt in that area.

Mr. Closson was questioned as to the base of the wading area. He explained that it would be of only the existing lake material, confirming that no sand or material would be brought into the lake.

Mr. Closson explained that access to the site will be gained from the south side of the property. He noted that an excavator will go over the lawn to remove the existing concrete pier.

MOTION: Ms. Hunter, Ms. Krawiecki second, to accept Application IWWC#20-56 Applicant: Matthew Closson Owner: David Paigo Trust Location: 656 East Wakefield Boulevard Proposal: Install New Cantilever Dock; Install Swim Area; Repoint Wall as Necessary; Install 8'x12' Shed, finding the proposed activity as not significant;

unanimously approved.

7. NEW BUSINESS:

A. IWWC#20-57 Applicant: Mark Beecher Owner: Robert J. Birney and Patricia L. Birney Trustees, The Robert J. and Patricia Birney Trust Location: 408 East Wakefield Boulevard Proposal: Second Floor Addition Over Existing Single-Story, Single Residence; Add Parking and Walkway.

Professional Engineer Dennis McMorrow of Berkshire Engineering, accompanied by Architect Michael Boe and contractor Mark Beecher, appeared before the Commission regarding this application. Mr. McMorrow reviewed the submitted site plan with the proposed improvements beginning with the three new parking spaces

on the northerly side of the parcel. He noted the temporary access drive depicted. A new frost wall would be added in the same footprint as the present structure, and the dwelling with the addition of a second floor will be reconstructed, according to Mr. McMorrow. He reported that at the time that the building is completed, the deck would be finished, and a generator pad would be added. Mr. McMorrow indicated an underground propane tank would also be located further up in the lot.

Mr. McMorrow reported that the total regulated area being disturbed as part of the proposed development as .26 acres. He also noted that there was no direct wetland impact. Impervious surface coverage following the improvements will be 5%, according to Mr. McMorrow. He noted the location of the dewatering system, should one prove necessary.

Mr. Boe reviewed his architectural drawings, sharing each of the proposed elevations. Mr. Beecher reminded the Commission about the work already completed on the part of the residence that is out over the water.

Mr. Molinelli questioned whether a deep drawdown was necessary for the proposed work. Mr. Beecher indicated that it would be needed to some extent to dig the frost walls to limit the amount of water that fills in. Mr. Beecher confirmed that the only work to be completed on the part of the building over the water is the replacement of the roof.

MOTION: Ms. Mulvey, Ms. Hunter second, to accept Application IWWC#20-57 Applicant: Mark Beecher Owner: Robert J. Birney and Patricia L. Birney Trustees, The Robert J. and Patricia Birney Trust Location: 408 East Wakefield Boulevard Proposal: Second Floor Addition Over Existing Single-Story, Single Residence; Add Parking and Walkway, finding the proposed activity as not significant;

unanimously approved.

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

As the meeting concluded prior to any discussion of this application, the consensus of the Commission was to discuss it at a special meeting scheduled for December 2, 2020 at 7PM.

C. IWWC#20-59 Applicant: Arthur L. Soucy and Kate C. Soucy Owner: Soucy Management Trust Location: 222 Perch Rock Trail Proposal: Remove Existing Bulkhead and Replace with Engineered Block Construction Wall; Relocate Stairs from Protruding into Lake to Protruding into Yard.

As the meeting concluded prior to any discussion of this application, the consensus of the Commission was to discuss it at a special meeting scheduled for December 2, 2020 at 7PM.

D. IWWC#20-60 Applicant/Owner: Paul Bauknecht and Claire Bauknecht Location: 152 Shore Drive Proposal: Jetski Lift/Drive-on – walk-out.

As the meeting concluded prior to any discussion of this application, the consensus of the Commission was to discuss it at a special meeting scheduled for December 2, 2020 at 7PM.

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.

As the meeting concluded prior to any discussion of this application, the consensus of the Commission was to discuss it at a special meeting scheduled for December 2, 2020 at 7PM.

8. AGENT ACTIONS.

A. Determinations.

No business discussed.

B. Warnings/Violations.

i. SHOW CAUSE HEARINGS:

None.

9. COMMUNICATIONS AND BILLS.

None.

10. OTHER BUSINESS.

A. Discussion on Catch Basin Maintenance Schedule.

No business discussed.

B. Election of Officers.

No business discussed.

11. ADJOURN:

MOTION: Ms. Hunter, Mr. Molinelli second, to adjourn at 11:05PM; unanimously approved.

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