



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

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

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

**October 7, 2020 – 7:00PM
Special Meeting Minutes**

1. CALL TO ORDER:

Secretary Russ Davenport called the meeting to order at 7:10PM.

2. ROLL CALL:

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

Ric Nalette was absent excused.

3. APPROVAL OF MINUTES – September 16, 2020 Regular Meeting and September 23, 2020 Special Meeting:

MOTION: Ms. Krawiecki, Ms. Hunter second, to approve the September 16, 2020 Minutes and the September 23, 2020 Minutes; unanimously approved.

4. AGENDA REVIEW:

The consensus of the Commission was that discussion would not begin on an application after 10:00PM.

5. PUBLIC HEARINGS:

**A. IWWC#20-06 Applicant/Owner: Paul J. Marino Location: 680 East Wakefield Boulevard
Proposal: Boatlift within Littoral Boundary.**

Ms. Marino recused herself from this application and darkened her screen for the duration of the public hearing.

The legal notice was read into the record with it noted as having been published the requisite two times, on September 23, 2020 and September 30, 2020, in the Republican American. Additionally, it was noted that the Certificate(s) of Mail, providing evidence that the notice of the public hearing was provided to the abutting property owners, had not been received by staff. It was agreed that those would be submitted by Friday afternoon.

Paul Marino appeared before the Commission regarding this application. He reminded the commission that this portion of the original application remained as the *Dock and Mooring Ordinance* required a public hearing for items within the littoral boundaries. Mr. Marino shared a site plan depicting the dock, the platform, and the boatlift. He also reminded the Commission that to address the problem with the width of his items in the water exceeding 50% of his lake frontage, he had entered into a lease agreement with his neighbor for the five-foot strip of land thereby satisfying that. As Mr. Marino shared photographs of the site, the commission observed the dock of the neighbor to the right, noting that it rested right next to the property line for a great many number of years. He noted that an email had been provided from this neighbor, Dennis Neal of 674 East Wakefield Boulevard, communicating that he had no objections to the proposal.

The lease agreement with the neighbor over the five-foot strip of land was discussed. Mr. Marino reminded the Commission that staff had consulted with the town's legal counsel, Attorney Kevin Nelligan, who had advised that so long as the lease agreement is recorded on the Land Records and approval is conditioned upon the lease agreement, it was within the authority of the Commission to approve the proposal.

The hearing was open to the public. No comment was received.

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

Ms. Marino rejoined the meeting for the following application.

B. 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 neither the applicants nor a designated representative were present for the meeting, it was indicated that the public hearing would be continued to the regular meeting scheduled for October 21, 2020.

The legal notice was previously read into the record, with it being noted as having been published the requisite two times, on September 23, 2020 and September 30, 2020, in the Republican American. It was noted that the Certificate(s) of Mail, providing evidence that the notice of the public hearing was provided to the abutting property owners, had not been received by staff.

The public hearing was open, and the public was invited to comment. No comment was received.

MOTION: Mr. Davenport, Mr. Molinelli second, to continue the public hearing to the October 21, 2020 regular meeting at 7PM; unanimously approved.

6. OLD BUSINESS:

A. IWWC#20-06 Applicant/Owner: Paul J. Marino Location: 680 East Wakefield Boulevard Proposal: Boatlift within Littoral Boundary.

Ms. Marino recused herself from this application and darkened her screen for the duration of the discussion.

MOTION: Mr. Davenport, Mr. Molinelli second, to approve Application IWWC#20-06 Applicant/Owner: Paul J. Marino Location: 680 East Wakefield Boulevard Proposal: Boatlift within Littoral Boundary, 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 October 7, 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. Lease with abutting property owner to be recorded on the Winchester Land Records.

14. Permit is only valid for the duration of the lease;

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

Ms. Marino rejoined the Commission at this point in the meeting.

B. 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 had been continued, no business discussed.

C. 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.

Staff reported that the applicant was still working on getting an as-built survey and had requested a continuance.

MOTION: Ms. Hunter, Mr. Molinelli second, to continue Application 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; unanimously approved.

D. IWWC#20-34 Applicant/Owner: David M. Wilson Location: 622 East Wakefield Boulevard Proposal: Repairs to Lake Stone Wall and Pier.

David Wilson appeared before the Commission regarding this application. Mr. Wilson reminded the Commission that while most of the wall needed repointing, other sections needed to be rebuilt. He shared photographs of the wall in its current state.

Mr. Davenport noted that the work will include repairs to the pier, which functions to support a non-conforming dock. Mr. Wilson noted that he is not changing the dock in any way. Ms. Mulvey indicated that she had visited the site and saw no problem with the repairs proposed for the pier. Noting how non-conforming the dock was, Ms. Marino suggested bringing the dock into compliance at the time repairs were being made to the pier. She suggested the side dock pieces be removed and the length be shortened. Mr. Wilson indicated that he did not have the funds to do this type of work. He noted that he purchased the property with the dock in its current form, which had been that way for twenty to thirty years.

Staff noted that there was also a second dock, a walkway, that did not meet the *Dock and Mooring Ordinance* as there was not the required 150' of shore frontage. Mr. Wilson noted that the walkway he has is a ShoreMaster product and that the manufacturer does not sell three (3') foot walkways. He opined a walkway that width as unsafe. Staff shared with the Commission an email exchange with Attorney Nelligan, for the same second dock that was wider than three feet with less than 150' of shorefront, a matter that was brought up in July, 2020.

Mr. Wilson questioned whether a legal opinion had been obtained regarding nonconforming, "grandfathered", waterfront items. It was noted that there had been one received.

Mr. Molinelli shared the historical practice of the Commission relative to the *Dock and Mooring Ordinance* and gaining compliance as part of the application process, noting that it has not been done in the past. Discussion ensued. The applicant was asked whether he would likely be positioned to bring the dock into compliance in the near future. He agreed that he would probably be able to do that within five years. Ms. Hunter suggested that if other work were to come before this board prior to that time, the target date for compliance should be moved up to that point. Ms. Marino suggested that the walkway to the boatlift, in so far as it is non-conforming, should also be addressed by the next deep drawdown, too.

The riparian buffer, which had been part of a 2009 after-the-fact approval and had not yet been installed, was discussed.

MOTION: Mr. Davenport, Ms. Mulvey second, to approve Application IWWC#20-34 Applicant/Owner: David M. Wilson Location: 622 East Wakefield Boulevard Proposal: Repairs to Lake Stone Wall and Pier, subject to the standard conditions (1-12) and additional conditions:

13. Cash erosion and sedimentation bond totaling \$1000 to be submitted to the Inland Wetlands Office prior to the commencement of work.
14. Owner required to bring existing dock into compliance before October 7, 2025.
15. Owner to replace existing French drain between lawn and patio to be replaced with vegetative buffer garden based on the 2009 approval;

Motion approved with Mr. Davenport, Ms. Hunter, Ms. Krawiecki, Ms. Marino, Ms. Mulvey, and Mr. Timmeney voting aye while Mr. Molinelli abstained.

E. IWWC#20-40 Applicant/Owner: Michael A. Gutowski Location: 610 West Wakefield Boulevard Proposal: Remove and Replace Sea Wall; Remove and Replace Interior Retaining Wall; Replace and Relocate Dock; Reset Boatlift.

Professional Engineer Dave Battista of Lenard Engineering, accompanied by his client Michael Gutowski, appeared before the Commission regarding this application. Mr. Battista reviewed the scope of the project. He noted that the lot has a 30' drop from West Wakefield Boulevard to the lake. Mr. Battista explained that stockpiling and staging is going to be rough, with the contractor likely having to use the existing parking spots for excess materials. Mr. Battista explained that a modular stone block will be utilized for the wall after consultation with a geotechnical engineer. He noted that the upper retaining wall is 39' long which forms a two-level terrace, stepping up from the lake. Mr. Battista reported the design to mirror the existing geometry of the lake as much as possible with the design including a slight protrusion into the lake with a new encroachment of 12 square feet out into the lake while 29 square feet of new lake bed that will be created. He

noted the net result is 17 square feet of new lakebed. Mr. Battista reported a disturbance of 2070 square feet of the site in the upland review area. He noted that excavation will include 120 cubic yards which will need to be removed from the site fairly quickly as there is no place on site to store it.

Mr. Battista indicated town staff had recommended registering the new dock system. He noted the existing floating dock is 12'x12' with a 16'11'x4' walkway leading from the retaining wall. Mr. Battista noted that the plans include replacing it with a smaller system, 12'9"x10'4" floating dock with a 10'4" x4'3" walkway leading to it.

Photographs were shared of the existing conditions and the proposed materials of the wall and dock system. Mr. Battista reviewed the planned accessway down to the work area, on the southerly side of the parcel. He explained erosion control measures include a 12" diameter compost filter sock along the downstream edge of the site work. Mr. Battista noted that a sediment basin has been designed in should the contractor encounter groundwater during construction. Alternatively, the contractor could use a filter bag to discharge ground water that comes into the excavation while digging for the foundation, according to Mr. Battista. He noted that the foundation is basically crushed stone 18" below the lakebed with the blocks being built on top of that.

Mr. Battista stressed how important the construction sequence was, noting the duration of construction is expected to last five weeks. He confirmed that he will be on site, particularly when the excavated area is prepared for the retaining walls. Both he and the geotechnical engineer will be on site during that phase, according to Mr. Battista.

Mr. Davenport questioned how likely it was that dewatering will be necessary. Mr. Battista noted that it was difficult to tell unless test pits were dug and had therefore thought it important to include provisions in the plans for such activity.

Mr. Davenport questioned whether the lake wall will include any drainage. Mr. Battista explained that adding drainage was optional but was not deemed necessary as the blocks are designed to hold the soil behind the wall and water if it should get back there. With the crushed stone, Mr. Battista noted that the water would eventually seep through the bottom. Mr. Davenport questioned whether a construction access between the road and the site had been included. Mr. Battista indicated that there had not been one included because it was not likely that there would be many trucks going in and out. He explained the contractors will likely have to haul the material up to the street and load it directly in the trucks.

The proposed dock configuration was reviewed. It was noted that the plans should be updated with the littoral boundaries and that 11"x17" rendering would be acceptable.

MOTION: Mr. Molinelli, Mr. Davenport second, to accept Application IWWC#20-40 Applicant/Owner: Michael A. Gutowski Location: 610 West Wakefield Boulevard Proposal: Remove and Replace Sea Wall; Remove and Replace Interior Retaining Wall; Replace and Relocate Dock; Reset Boatlift, finding that in the public interest, to schedule a public hearing for the October 21, 2020 regular meeting;

Motion approved with Mr. Davenport, Ms. Hunter, Ms. Krawiecki, Ms. Marino, Mr. Molinelli, and Ms. Mulvey voting aye while Mr. Timmeney was opposed.

F. IWWC#20-41 Applicant/Owner: Lynn Holdner and Hank Holdner Location: 758 East Wakefield Boulevard Proposal: Repair and Relocate Pier; Register Dock.

Lynn Holdner and Hank Holdner appeared before the Commission regarding this application. Mrs. Holdner explained how the property had been in her family for three generations. She explained how the aluminum dock was supported by two vertical pipes that are fastened to a concrete piece in the water that had shifted three inches over the years. Mrs. Holdner noted that they would like to dig up the concrete piece and move it over three inches so that the runways can be realigned. Mr. Davenport questioned whether the existing pier is what would be utilized. Mr. and Mrs. Holdner confirmed.

Mr. Davenport questioned whether the applicants were also seeking to register their dock. Mrs. Holdner confirmed, explaining that she had been unaware that there was no dock registration on file.

At this point during the review, Ms. Marino recused herself from the application, noting that the applicants were close family friends.

Mr. Molinelli questioned whether the work would be done by hand. Mr. and Mrs. Holdner confirmed. Mr. Molinelli questioned what would ensure that the pier did not move back the three inches again. Mrs. Holdner explained that the shift occurred over many years. Mr. Holdner indicated that the pier is likely several inches below the lakebed. It was noted that the dock does not comply with the *Dock and Mooring Ordinance*. Mr. Holdner reported the dock as 29'x32" with a 15'x12' float at the end of it.

The consensus of the Commission was that they were not going to approve the dock and that should the dock require any work, at which time the applicants will need to return to this board, it will need to conform to the *Dock and Mooring Ordinance*.

MOTION: Mr. Davenport, Ms. Mulvey second, to accept Application IWWC#20-41 Applicant/Owner: Lynn Holdner and Hank Holdner Location: 758 East Wakefield Boulevard Proposal: Repair and Relocate Pier, finding the proposed activity as not significant, and to approve the repair and relocate of the pier, subject to the standard 1-12 conditions;

Motion approved with Mr. Davenport, Ms. Hunter, Ms. Krawiecki, Ms. Mulvey, and Mr. Timmeny voting aye while Mr. Molinelli abstained.

The Commission recessed at 9:42PM and reconvened at 9:47PM.

G. IWWC#20-42 Applicant: Don LaPointe Owner: Robert K. Bates, Jr. and Tracey Bates Location: 428 East Wakefield Boulevard Proposal: Repair Top 2'-3' of Lake Wall; Remove Jet Ski Launch; Remove Lake Front Stone Patio and Replace with Lawn; Repair Lake Steps Leading into Water; Remove and Replace Two Steps of Concrete/Stone Steps; Extend Lower Block Retaining Wall; Add Shed.

Robert Bates, accompanied by his contractor Don LaPointe, appeared before the Commission regarding this application. Mr. Bates explained that the lakewall needs repairing. He explained that the jetski launch comprised of wood and concrete was there when they purchased the property in 2013 and reported that he would like that taken out. The stone patio near the lake will be removed, according to Mr. Bates. He explained that he would also like to remove the current steps into the lake and replace those with a wider set for access into the lake. Mr. Bates explained that the steps in the lawn leading from the lake to the house are uneven and that the plan was to straighten those out, remaining at the same size and same location. With respect to the retaining wall, Mr. Bates explained that the proposal is to only remove the existing façade and replace with a new stone façade against the railroad ties that are beneath the current facade. Mr. Bates reported having an erosion problem near that existing retaining wall that he was willing to correct by extending the length on both sides. Finally, Mr. Bates noted that he was seeking approval for a shed near the lake for the water toys.

Mr. LaPointe indicated that the work on the lakewall will likely not require excavation down to the lakebed. Instead, he noted that he anticipated only needing to build up the top two to three feet. Mr. LaPointe noted that Mr. Bates had requested an additional retaining wall between the lake and the existing retaining wall to create a flat area. This work would be done after the lake wall repairs are completed. The designated stockpile area near the top of the site and closer to the road would include a silt fence enclosure, according to Mr. LaPointe.

Mr. Davenport noted that more details should be provided at the next meeting relative to the upper retaining walls. It would be helpful to have more information on the scope of work in that area, according to Mr. Davenport.

Mr. LaPointe noted the existing 6"x6" wooden retaining walls were covered at some point since his family had owned the property some years ago.

Mr. LaPointe questioned whether a permit was needed from this Commission for lake wall repairs. The Board uniformly agreed that a permit is required, and they generally question the extent of the repairs.

Mr. LaPointe explained that a retaining wall was necessary in the area for the proposed shed so that a level area can be created.

The consensus of the Commission was that as much detail as possible should be provided ahead of the next meeting. Mr. LaPointe noted that the retaining walls are approximately 32" to 36" tall and would therefore not need to be engineered. Mr. Timmeney requested that a riparian buffer zone be considered.

MOTION: Mr. Davenport, Ms. Krawiecki second, to accept Application IWWC#20-42 Applicant: Don LaPointe Owner: Robert K. Bates, Jr. and Tracey Bates Location: 428 East Wakefield Boulevard Proposal: Repair Top 2'-3' of Lake Wall; Remove Jet Ski Launch; Remove Lake Front Stone Patio and Replace with Lawn; Repair Lake Steps Leading into Water; Remove and Replace Two Steps of Concrete/Stone Steps; Extend Lower Block Retaining Wall; Add Shed, finding the proposed activity as not significant; unanimously approved.

H. IWWC#20-43 Applicant/Owner: George Mackiewicz Location: 332 East Wakefield Boulevard Proposal: Remove and Replace Sea Wall and Dock Superstructure.

George Mackiewicz, accompanied by his contractor Brian Dwyer and Professional Engineer Mike Sherman, appeared before the Commission regarding this application. Mr. Mackiewicz explained that the 75' wall consisted of two types of stones, including landscaping block that has since eroded. He noted that rocks on the bottom of the lakewall appear to have been falling out and reported that it appeared that the wall is falling forward toward the lake and appeared to be bulging.

Regarding the dock, Mr. Mackiewicz explained that the dock is wooden and is located on a pier. He noted that the dock was never built with an I-beam but was instead held up with railroad timbers. Mr. Mackiewicz indicated the current dock to be 8'x30' but noted that the proposed dock will be 8'x33'. He reviewed the decking on the dock will be a composite with aluminum sides.

Mr. Sherman explained that the beam size for the proposed dock had been increased from 3½" to 8" to provide for a more stable platform. He noted that the seawall had to be designed so as to form a small abutment. Mr. Sherman shared the elevations for the dock abutment. The framing and decking will have one step down off the lake wall to the dock system, according to Mr. Sherman. He noted that the existing 4'x4' pier will need to be modified to add a keeper block to the top which will be added between the two beams. Mr. Sherman explained that this will function to keep the beams from sliding off the pier should something hit it.

Mr. Sherman explained the new lakewall will be a concrete gravity wall and will include mortar stone on the face of it at the lake. A temporary stockpile of material will be in the lakebed, according to Mr. Sherman. He noted a vegetative buffer will be added between the lawn and the lake and will extend into the raingarden. The garden will be plantings from the suggested list contained in the 2004 CT Stormwater Manual, according to Mr. Sherman. He noted the design includes weep holes in the new wall. The cross section of the lake steps was reviewed with it being planned to be constructed similar to the wall. Mr. Dwyer explained the wall will not totally be concrete as the wall will be lined with 8" mason blocks that are rated for foundations and below-grade applications. He explained that the blocks are filled with rubble, concrete, and rebar. Mr. Dwyer and Mr. Sherman confirmed that the rebar will be epoxy coated.

Mr. Dwyer noted that construction of the wall will begin on the northerly side of the property and be completed in fifteen- or twenty-foot sections.

With regards to dewatering, Mr. Sherman explained that he did not believe it was going to be needed. In the event that it is needed, he noted that Mr. Dwyer would follow all the guidelines and erosion control protections with pump inlet and outlet protection. He noted that the outlet protection consisted of a 55-gallon drum with holes in it wherein the pump is placed within, and surrounded with 1" crushed stone which will function to dissipate the velocity of the water coming out of the basin. He noted that the water coming from that should be allowed to run over the grassy area which will provide water without turbidity. Mr. Davenport requested the dewatering specifications and details be included on the plans.

Mr. Sherman reviewed the construction sequence for the work.

Mr. Molinelli requested that the plans include the littoral boundaries on the plans so if the applicant should seek lifts in the future. Mr. Sherman agreed to revise the plans to include that.

MOTION: Mr. Davenport, Mr. Molinelli second, to accept Application IWWC#20-43 Applicant/Owner: George Mackiewicz Location: 332 East Wakefield Boulevard Proposal: Remove and Replace Sea Wall and Dock Superstructure, finding the proposed activity as not significant; unanimously approved.

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

MOTION: Mr. Davenport, Ms. Hunter second, to continue the application to the October 21, 2020 regular meeting; unanimously approved.

7. ADJOURN:

MOTION: Mr. Davenport, Ms. Marino second, to adjourn at 11:12PM; unanimously approved.

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