



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

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

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

**September 23, 2020 – 7:00PM
Special Meeting Minutes**

1. CALL TO ORDER:

Secretary Russ Davenport called the meeting to order at 7:25PM.

2. ROLL CALL:

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

Mary Ann Marino, Ric Nalette, and Kurt Timmeney were absent excused.

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

The approval of the September 16, 2020 Minutes was continued to the next meeting.

4. AGENDA REVIEW:

The consensus of the Commission was that discussion would not begin on an application after 10:30PM.

5. PUBLIC HEARINGS:

A. IWWC#20-23 Applicant: Winchester Public Schools Owner: Town of Winchester Location: 15 Hinsdale Avenue Proposal: Hinsdale School Renovation and New Construction, Including Restoration and Daylighting of the Gilbert Home Brook that Flows in a Culvert Under a Portion of the School.

Professional Engineer Donald W. Smith, Jr. appeared before the Commission regarding this application. It was noted that at the last meeting, the Commission had sought the comments and revisions incorporated into the final plans and have the same confirmed by the third-party engineer, Louriero Engineering. Staff reported receiving an email on September 21, 2020 from Professional Engineer Tristan Wallace confirming that the revised plans, response letters, and supplemental documents had addressed their review comments.

Mr. Molinelli questioned how the project would be monitored and how issues would be addressed that may arise. Mr. Smith noted that the plans to remove the building over the brook will be provided by the site contractor to his firm for review. He noted that his office will have periodic on-site visits as provided in his contract but explained that the day to day visits will be up to the contractor and town staff. Mr. Molinelli questioned whether there would be any additional staff to monitor the progress. Mr. Davenport noted that commissioners can visit the site. Mr. Molinelli questioned whether there were any funds available to retain a third-party inspector. Mr. Smith explained that in some towns, a Clerk of the Works monitors progress.

The consensus of the Commission was that Mr. Smith should be completing at least weekly inspections during the phase of the project that involves daylighting of the Gilbert Home Brook. They also indicated that they would like weekly reports from Mr. Smith during that phase.

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

MOTION: Mr. Davenport, Mr. Molinelli second, to close the public hearing for Application IWWC#20-23;
unanimously approved.

6. OLD BUSINESS:

A. IWWC#20-23 Applicant: Winchester Public Schools Owner: Town of Winchester Location: 15 Hinsdale Avenue Proposal: Hinsdale School Renovation and New Construction, Including Restoration and Daylighting of the Gilbert Home Brook that Flows in a Culvert Under a Portion of the School.

MOTION: Ms. Hunter, Mr. Davenport second, to approve Application IWWC#20-23 Applicant: Winchester Public Schools Owner: Town of Winchester Location: 15 Hinsdale Avenue Proposal: Hinsdale School Renovation and New Construction, Including Restoration and Daylighting of the Gilbert Home Brook that Flows in a Culvert Under a Portion of the School, 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 September 23, 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. Final plan from contractor for the daylighting of the brook to be reviewed by the third-party engineer.
14. Weekly inspections to be completed by Professional Engineer Donald Smith during the phase of the project involving the daylighting of the brook.

15. Monthly updates be provided by Professional Engineer Donald Smith to the Commission;
unanimously approved.

**B. IWWC#20-35 Applicant/Owner: Robert Kelly and Pamela Kelly Location: 116 Sucker Brook Road
Proposal: Excavating within a Wetlands and Upland Review Area.**

Attorney Jonathan Meter appeared before the Commission regarding this application. He reminded the Commission that this application followed a Cease and Desist Order. Attorney Meter noted that his clients were seeking a retroactive approval on the removal of five dying trees. Additionally, he noted that his clients had a chicken coop surrounded by an enclosure. Attorney Meter reported that his clients were also seeking to reseed a portion of the property that was disturbed during the 2019 septic system installation. He noted that some rocks were straightened out in that area and his clients were looking to reseed it. Attorney Meter explained that the reseeding is not necessary as the property is under contract currently and the buyers have communicated that the reseeding is not necessary. He noted that his clients will be taking the chicken coop with them when they move.

Attorney Meter shared some photographs of the site. He reviewed the site plan from the 2019 septic system approval, with he or his client having drawn in the approximate location of the chicken coop and the area that was to be reseeded. Attorney Meter indicated that 4.1 of CGS 22a-40 permits grazing as an as-of-right activity, requiring only preliminary approval or acceptance by this Commission. He noted that the removal of the trees was necessary as they were dead and were presenting a hazard. Ms. Hunter questioned whether there were five or six trees as there was a discrepancy between the drawings and the narrative. Attorney Meter indicated that there were only five trees removed.

Mr. Molinelli questioned whether the issues resulting in the Cease and Desist had been satisfied. Staff noted that the decision lay with the commission. Attorney Meter opined that the language within the Cease and Desist was vague, noting that staff had relayed the tractor was observed in the wetlands area. He disagreed, opining that the tractor was only located within the review area but had since been removed. Mr. Molinelli questioned whether the chicken coop had been removed or was planned to be removed. Attorney Meter confirmed that the coop and the enclosure would be removed immediately prior to closing. He noted the closing to be tentatively scheduled for October 15, 2020.

Mr. Molinelli questioned whether the chicken coop could be moved the morning following this meeting. Attorney Meter objected, noting that the entire property is a regulated area and failed to see what difference a month would make in terms of its impact to the wetlands. Mr. Davenport agreed that he did not see any danger of the chicken coop to the wetlands. Staff read aloud a letter from Peter Marchand, the abutting neighbor at 118 Sucker Brook Road who shared his concerns with the bare ground and what might happen with runoff during a significant rain event. His concern lay with the possibility of silt and waste from chickens and ducks and whatever associated impact that might have on his well. Ms. Hunter reported having walked the property and noted the area to be super dry. She doubted that there would be any danger to the neighbor's property. Mr. Davenport suggested that a conservation mix be added to the bare area. Ms. Hunter questioned whether this commission could require new trees be planted to restore the area where they had been removed. Mr. Davenport suggested silt fence be added to protect against runoff. Attorney Meter agreed that silt fence could be added but noted that with respect to the conservation mix, the new owner did not deem that to be important. He agreed with Mr. Davenport that planting new trees was not necessary as he believed it would revegetate quickly.

The proposed location for the silt fence was reviewed. It was agreed that the silt fence should be installed ten feet in from the property boundary, between 116 and 118 Sucker Brook Road and should be twenty feet wide.

Mr. Molinelli questioned whether the applicant would be willing to pay an after-the-fact fee.

MOTION: Mr. Davenport, Ms. Mulvey second, having found the removal of the five trees as a regulated activity, to approve that work, subject to the standard 1-12 conditions, and the following additional conditions:
13. Chicken coop to be removed from the property no later than November 10, 2020.
14. Silt fence to be installed as discussed.
15. Conservation seed mix to be planted in area near rock wall;

unanimously approved.

C. IWWC#20-36 Applicant/Owner: Town of Winchester Location: West Wakefield Boulevard over Sucker Brook Proposal: Rehabilitate Existing Twin 72" CMPs by Lining with 60" HDPE Pipes.

Project Manager Bart Clark, accompanied by Professional Engineer Gary Giroux of Cardinal Engineering, appeared before the Commission regarding this application. Mr. Giroux reviewed the plans, noting the Sucker Brook culvert is just below the Sucker Brook dam, and carries the flow from the low-level outlet that passes through the dam and passes into Highland Lake. He noted that the culverts were inspected by divers last year and found to be in very poor condition. The divers found that the bottoms of the culverts were rotted away. The original plan was to replace the culvert, according to Mr. Giroux. However, because the State of Connecticut is so far behind in issuing funding for any projects within the state, the Town decided to rehabilitate it rather than replace the culvert. Mr. Giroux explained that the deep drawdown scheduled for this year will provide more room to work within the 6' pipe. He reviewed the erosion details and reviewed the sequence of the work. Mr. Giroux explained how the coffer dams will help as the lining of the pipe is done in phases. Mr. Giroux reported approvals are pending from the US Army Corp. of Engineers and the State of Connecticut Department of Energy and Environmental Protection but noted the plan is to begin work in November.

Mr. Giroux explained that the potential issues are not with the lake but lay with storm events because the conditions will be so dry. He noted that timber mats will be used to protect the lakebed. Mr. Davenport questioned the time sequence for the project. Mr. Giroux noted that the sequence is very short as the town is looking to take advantage of this year's deep drawdown. He noted that the contractors are being provided with a forty-five-day window to get this work done.

Mr. Davenport questioned whether Cardinal Engineering will be overseeing this project. Mr. Clark reported that the Department of Public Works will oversee the administration of the project while Cardinal Engineering is responsible for the day to day inspections and contract administration.

Mr. Clark noted that DEEP's Fisheries Division had requested shrubs and trees in addition to providing a wetlands mix along the shoreline.

Mr. Molinelli questioned to what degree this proposal is inferior compared to the original plan had the funding been available through the State. Mr. Giroux explained that from a structural perspective, there is no difference. Mr. Clark noted that this project will not have any further impacts on water quality because the amount of disturbance at the site to reline the pipes is much less and the time period for the work is much less than a full box culvert replacement.

The commission considered and contemplated whether to schedule a public hearing. Mr. Giroux explained why it was most ideal to do the project during the deep drawdown.

MOTION: Mr. Molinelli, Ms. Mulvey second, to accept and approve Application IWWC#20-36 Applicant/Owner: Town of Winchester Location: West Wakefield Boulevard over Sucker Brook Proposal: Rehabilitate Existing Twin 72" CMPs by Lining with 60" HDPE Pipes, subject to standard 1-12 conditions;
unanimously approved.

The Commission recessed at 9:30PM. They reconvened at 9:35PM.

D. IWWC#20-37 (Modification of IWWC#19-20) Applicant/Owner: Alan Needham Location: 714 West East Wakefield Boulevard Proposal: Transfer Dock Registration; Reconfigure Dock System.

Alan Needham, accompanied by his contractor Scott Sadler, shared his proposal for a new dock system. Mr. Sadler reported the site as very steep, sharing pictures of both a proposed dock as well as his client's steep 6' lake wall. Mr. Sadler noted that there was twenty-two feet on either side of the dock system to the littoral boundaries. A set of aluminum steps from the yard down to the docking system is included as part of the system, according to Mr. Sadler. He noted that the steps are removable in the fall. The frame is aluminum and the decking will be composite.

Mr. Davenport questioned whether the dock was removable. Mr. Sadler confirmed. Ms. Mulvey questioned the width of the sections along the wall. She questioned whether the proposal was eighteen (18') feet wide with three sections of 6'Wx10'L dock pieces. Mr. Sadler confirmed. Ms. Molinelli noted the *Dock and Mooring Ordinance* only allows for up to a 10' width, with width being measured as the distance parallel with the shore.

Mr. Molinelli questioned the distance from the lake to West Wakefield Boulevard. Mr. Needham noted that length to be over 130'.

It was agreed that staff would meet with the applicant and/or his contractor to discuss alternatives.

MOTION: Mr. Davenport, Ms. Hunter second, to accept Application IWWC#20-37 (Modification of IWWC#19-20) Applicant/Owner: Alan Needham Location: 714 West East Wakefield Boulevard Proposal: Transfer Dock Registration; Reconfigure Dock System, finding the proposed activity as not significant;
unanimously approved.

E. IWWC#20-38 Applicant/Owner: Gerald Mackie Location: West Wakefield Boulevard (Across the Street from 613 West Wakefield Boulevard) Proposal: Remove Concrete Pier and Replace Portion of Damaged Sewall Behind it if Necessary; Permit Existing Dock.

Gerald Mackie, accompanied by his contractor Segundo Loja, appeared before the commission regarding this application. Mr. Mackie explained that he was seeking to take out and remove the piers protruding from the lake retaining wall. He noted that there would be no projections from the wall after the repairs but explained that the lake wall behind the piers would need repairs. Mr. Loja noted the distance of the wall is approximately 50' long and 14"-16" wide. Mr. Mackie noted only 15' of the wall will need to be rebuilt.

Mr. Davenport explained that the Commission typically reviews site plans and drawings of precisely the scope of the work. He noted that the Commission seeks information on the erosion controls employed and details on the equipment to be utilized. Mr. Davenport explained that information on the staging area should be included. Mr. Mackie explained that there would be no utilization of equipment as the work would be done by hand. Mr. Davenport questioned whether the contractor would be working in the lakebed. Mr. Mackie noted that the deep drawdown will allow his contractor to work on dry ground. When the lake is full, the water comes up three feet on the wall. Ms. Mulvey questioned how the piers would be removed. Mr. Mackie explained the piers would be broken up by hand, with the contractor using the stone to rebuild the wall behind the piers. He noted that he has a written agreement from his neighbor who is also undertaking a project. Access to the waterfront will be gained from the neighboring property, according to Mr. Mackie. Mr. Loja confirmed that all of the work will be done by hand. Mr. Davenport explained more information on the height of the wall should be provided along with what material will be brought in to backfill the wall. He encouraged Mr. Mackie to provide as much information as possible. Mr. Mackie questioned whether he could prepare the plan himself or would need a surveyor to provide a plan.

MOTION: Mr. Molinelli, Ms. Krawiecki second, to accept Application IWWC#20-38 Applicant/Owner: Gerald Mackie Location: West Wakefield Boulevard (Across the Street from 613 West Wakefield Boulevard) Proposal: Remove Concrete Pier and Replace Portion of Damaged Sewall Behind it if Necessary; Permit Existing Dock, finding the proposed activity as not significant; *unanimously approved.*

F. IWWC#20-39 Applicant: Dena Samele Owner: Marjorie Pascual Irrevocable Trust Location: 640 East Wakefield Boulevard Proposal: Repair/Replace Lake Wall; Register Dock, Swim Platform, and Jetski Lift.

Dena Samele, accompanied by her neighbor and friend Dan Sabia, appeared before the Commission regarding this application. Mr. Sabia explained that the plan included replacing the entire lake wall. He reported that Mountaintop will be the general contractor for the project. He noted that the plan was to excavate 2'-3' behind the lake wall and 5' down in order to establish a stable base and use existing material to rebuild the wall. He noted the footprint will be exactly the same. Mr. Sabia explained that the concrete steps leading into the water will remain and the stone jetty will also be repaired and repointed. Mr. Davenport questioned whether the dock and platform and structures in the water are already there.

Reviewing the shorefront, it was noted that the parcel had 78.4' of lake frontage. It was also noted that the precise lengths and widths of the items in the water would need to be provided on the site plan. The consensus of the commission was that the plan which indicated the jetty and step replacement should be corrected to reflect precisely what was being proposed.

Mr. Davenport questioned whether the applicant would consider a vegetative buffer garden along the lakewall. Mr. Sabia questioned the width that is usually used. Mr. Davenport noted that it is usually two feet.

MOTION: Mr. Davenport, Ms. Mulvey second, to accept Application IWWC#20-39 Applicant: Dena Samele Owner: Marjorie Pascual Irrevocable Trust Location: 640 East Wakefield Boulevard Proposal: Repair/Replace Lake Wall; Register Dock, Swim Platform, and Jetski Lift, finding the proposed activity as not significant;
unanimously approved.

G. 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.

No business was discussed as the application was continued to a Special Meeting scheduled for October 7, 2020 at 7:00PM.

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

No business was discussed as the application was continued to a Special Meeting scheduled for October 7, 2020 at 7:00PM.

I. 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.

No business was discussed as the application was continued to a Special Meeting scheduled for October 7, 2020 at 7:00PM.

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

No business was discussed as the application was continued to a Special Meeting scheduled for October 7, 2020 at 7:00PM.

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

No business was discussed as the application was continued to a Special Meeting scheduled for October 7, 2020 at 7:00PM.

11. ADJOURN:

MOTION: Ms. Hunter, Mr. Davenport second, to adjourn at 10:55PM; unanimously approved.

Respectfully submitted,
Pamela A. Colombie
Recording Clerk