



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

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

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

**August 26, 2020 – 6:30PM  
Special 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 6:50PM.

**2. ROLL CALL:**

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

Russ Davenport, Mary Ann Marino, and Ric Nalette were absent excused.

**3. APPROVAL OF MINUTES – July 15, 2020:**

As these Minutes were approved at the August 19, 2020, no additional action was taken.

**4. AGENDA REVIEW:**

No changes were made to the agenda.

**5. OLD BUSINESS:**

**A. IWWC#20-06 Applicant/Owner: Paul J. Marino Location: 680 East Wakefield Boulevard  
Proposal: Add 6” Granite Top to Lake Wall; Add Riparian Garden Along Lake Wall; Add 30 Cubic Yards of Fine Sandy Loam to Yard and Lay Sod; Add 30’x3” Pervious Paver Walk.**

Staff reported that this application was not yet ready to go forward. No business beyond that was discussed.

**B. IWWC#20-26 Applicant/Owner: Leroy Emmerthal Location: 454 East Wakefield Boulevard  
Proposal: Repair Existing Lake Wall and Raise Height by 20”; Repair/Replace Existing Concrete/Stone Steps Leading from House to Lake Area with 18’L x 20’W Stone Landing/Patio Area; Repair Existing Mid-Level Retaining Wall; Establish Perimeter Retaining Wall in Upper Level; Install 20’L x 13’W Stone Patio in Upper Level.**

It was noted that Mr. Molinelli and Ms. Mulvey had communicated to staff earlier the date of this meeting their respective intentions to recuse themselves from further discussion or review of this application. Mr. Molinelli is a direct abutter to the subject site and Ms. Mulvey lives just to the other side of Mr. Molinelli. Additionally, because Mr. Timmeney was not at the August 19, 2020 regular meeting and had not yet had the chance to review the record, staff recommended continuing this application.

**MOTION:** Mr. Molinelli, Ms. Hunter second, to table Application(s) IWWC#20-26 and IWWC#20-27 to the regular scheduled meeting of September 16, 2020; unanimously approved.

**C. IWWC#20-27 Applicant/Owner: Leroy Emmerthal Location: 500 East Wakefield Boulevard  
Proposal: Repair Existing Lake Wall.**

During consideration of the previous application regarding the applicant/owner’s adjacent property, this matter was continued to the September 16, 2020 regular meeting.

**D. IWWC#20-29 Applicant: Gary Paganelli and Beverly Paganelli Owner: Beverly Paganelli Revocable Trust Location: 856 West Wakefield Boulevard Proposal: Repair Two Sections of Lake Wall; Replace Third Dock with Wading Area; Add Boatlift, Double Jetski Lift and Trampoline; Register 2 Docks; and Add Shed.**

Gary Paganelli appeared before the Commission regarding this application. Mr. Paganelli reviewed the proposal beginning with the westerly most dock, explaining that he was seeking to add a pontoon boat lift. He noted the dock as 20' long and the boat as 27' long. He noted that the proposal also included a request for a jetski lift on that westerly dock. Moving easterly, Mr. Paganelli identified the sections of lakewall in need of repair. He indicated that the wall was a dry-laid stonewall which needed the restacking of stones. The new trampoline is proposed at 10' from the littoral boundaries, according to Mr. Paganelli.

Mr. Paganelli explained that the proposal also included removal of the third dock, including the five-foot concrete pier sitting on the lake bottom. He indicated the concrete stairs and pad will also be removed. As part of the proposal, Mr. Paganelli explained that he would like to recede into the yard and construct a wall in that area to add a wading area.

A shed was also included as part of the proposal, according to Mr. Paganelli.

Ms. Mulvey questioned the distance from shore for the trampoline. Mr. Paganelli reported that the furthest point is estimated at 48', noting that he understands the limit of a maximum distance of 50' pursuant to the Dock and Mooring Ordinance. Mr. Molinelli questioned whether the trampoline is outside of the 10' littoral boundaries. Mr. Paganelli confirmed.

Mr. Molinelli questioned what was in the water currently at this site. Mr. Paganelli noted that all three docks are currently there as well as a boatlift where the pontoon boatlift is proposed. He reported that a second boatlift is also on that westerly dock but noted that he is removing that lift so as to move towards compliance. Mr. Molinelli questioned whether the proposal was to swap the second boatlift with a double jetski lift. Mr. Paganelli confirmed.

Mr. Timmeney questioned the width of the current docks. Mr. Paganelli noted the docks were eight feet wide and twenty feet long. Mr. Molinelli questioned the length of shorefront at this site. Mr. Paganelli noted that there is 205' of lake front. Mr. Molinelli questioned whether the timeframe to complete the work was during the deep drawdown and if all the work could be completed during that time. Mr. Paganelli confirmed. Ms. Krawiecki questioned whether the debris from the third dock would be hauled away immediately from the property. Mr. Paganelli confirmed, noting that the excavator will swing and put the material into the loader which will then be dumped into a truck. The work area is a confined space, according to Mr. Paganelli. Mr. Molinelli questioned how far into the parcel the wading area would be. Mr. Paganelli noted the plans call for it to be 23'6" from the lake wall.

**MOTION:** Ms. Krawiecki, Ms. Hunter second, to accept Application IWWC#20-29 Applicant: Gary Paganelli and Beverly Paganelli Owner: Beverly Paganelli Revocable Trust Location: 856 West Wakefield Boulevard Proposal: Repair Two Sections of Lake Wall; Replace Third Dock with Wading Area; Add Boatlift, Double Jetski Lift and Trampoline; Register 2 Docks; and Add Shed, finding the proposed activity as not significant; unanimously approved.

**E. IWWC#20-30 Applicant: Gary Paganelli and Beverly Paganelli Owner: 538 Wheelers Point, LLC Location: 538 Wheelers Point Proposal: Replace Existing Deck with Patio; Double Jetski Lift.**

Gary Paganelli appeared before the Commission regarding this application. Despite the site plan depicting the boatlift as proposed, Mr. Paganelli explained that the boatlift had already been registered and was already in place. He further explained that he had a permit for a trampoline already, too, but had planned to add it to an updated registration. Mr. Paganelli noted that a double jetski lift is proposed for this location. Staff requested

an updated rendering to depict the location of the trampoline for the record. Mr. Paganelli agreed to provide one ahead of the next regular meeting.

Mr. Paganelli reviewed the request to add a patio in the same location as where his deck had previously been located. He noted that when he went to remove the deck this past spring, he discovered a concrete patio was underneath it. Mr. Paganelli explained that it was at that time, staff visited the site to question the activity. He noted that he immediately ceased what he was doing. Staff confirmed this.

Mr. Paganelli explained that the location for the patio had been impervious with the concrete beneath it despite the Zoning Regulations normally considering a deck pervious. Staff noted that the topography lends the vegetation to act as a good buffer against possible erosion.

**MOTION:** Ms. Hunter, Mr. Timmeney second, to accept Application IWWC#20-30 Applicant: Gary Paganelli and Beverly Paganelli Owner: 538 Wheelers Point, LLC Location: 538 Wheelers Point Proposal: Replace Existing Deck with Patio; Double Jetski Lift, finding the proposed activity not significant; unanimously approved.

**F. IWWC#20-31 Applicant: Peter D’Addeo Owner: Sandy Drive Three Location: 240 Perch Rock Trail Proposal: Install Permeable Pavers for Parking Area.**

Staff reported receipt of an email request from the applicant’s attorney for a continuance of this application.

**MOTION:** Ms. Hunter, second, to continue Application IWWC#20-31 Applicant: Peter D’Addeo Owner: Sandy Drive Three Location: 240 Perch Rock Trail Proposal: Install Permeable Pavers for Parking Area; unanimously approved.

**G. 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.**

Tyler Burr appeared before the Commission regarding this application. He noted that he was the contractor that would be doing the work. Mr. Burr explained that his clients were seeking a solution to the geese problem at the lake via a clear fence rather than the green temporary fence currently being used.

Secondly, Mr. Burr reported his clients were seeking approval to convert a current boat ramp to a seating area for chaise lounges. He explained that the boat ramp has become so full of algae that walking on it isn’t practical.

The commission reviewed the 2006 survey that had been submitted as part of the application. They also reviewed the photographs that were submitted. Mr. Burr noted that the boat ramp is field stones. He noted that because the area is so slippery, his clients would like to lower the inland side of the ramp and raise the lakeside of the ramp by two steps. In response to an inquiry from Mr. Molinelli regarding the height of the proposed seating area relative to the lake wall, Mr. Burr explained that the new seating area would be approximately 2/3 of the height of the wall. One step would be added to get from the seating area to the lake, according to Mr. Burr.

Mr. Burr indicated that there should be no need to bring in material or lose any material with the boat ramp. He explained that the aerial appearance should appear relatively the same.

Mr. Molinelli questioned whether the applicant understood that approvals are not given for excavation within the lakebed. Mr. Burr confirmed.

Staff requested an updated registration for the docks and other items within the water as has become the practice. Updating the site plan with these items was also suggested. Mr. Molinelli questioned whether Mr.

Burr was comfortable with that as part of his proposal. Mr. Burr noted that he understood, and his clients did too.

Referring to the submitted aerial view, Mr. Molinelli questioned the area on the site that the ramp was. Mr. Burr noted that there would be one step down from the lawn to the seating area and then one step down to the water. Ms. Hunter questioned whether the area or steps would be concrete. Mr. Burr indicated that this would be all dry stacked. Ms. Mulvey questioned the dimensions of this area. Mr. Burr noted it would be a 12'x12' square with two steps. Ms. Hunter questioned whether any fill would be brought in to build this up. Mr. Burr indicated that there was no plan to bring fill in. Ms. Hunter questioned the height of the steps. Mr. Burr indicated that they would be 10" high. Mr. Molinelli questioned whether there were any Building Code requirements governing the height of the steps. Staff noted that this was something that could be run by Building Official Marc Melanson.

The photographs submitted as part of the application revealed a slide on the land side of the property. Mr. Molinelli noted that this type of thing had not come up before.

Mr. Burr reviewed the proposed fence along the lake wall, noting that it will be 18" high. Ms. Mulvey explained that the Commission has historically preferred vegetation along lake walls. It was noted that the application will likely also need approval from the Zoning Board of Appeals. Mr. Burr explained that the fence is proposed from edge to edge of the property's shore front with a gate above the stairs.

Ms. Krawiecki questioned whether the lake wall's integrity might be compromised by drilling the holes for the posts. Mr. Burr noted that the proposal is to only drill 2" holes and noted that the width of the top of the lake wall is 14" to 16". Mr. Molinelli noted that the site plan should be updated with dimensions from pin to pin and the dimensions of the items. He noted that more information on the installation of the fence should also be submitted.

As the Commission weighed whether a public hearing was warranted, Mr. Burr agreed to discuss with his clients a vegetation buffer rather than a fence.

**MOTION:** Ms. Mulvey, Mr. Timmeney second, to accept Application 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, finding the proposed activity as significant and to schedule a public hearing for the September 16, 2020 regular meeting; unanimously approved.

**H. IWWC#20-33 Applicant/Owner: Lynette McCarthy Location: 134 Shore Drive Proposal: Knock Down and Rebuild Cottage.**

Professional Engineer Rob Colabella, accompanied by his client Lynette McCarthy, appeared before the Commission regarding this application. Mr. Colabella reviewed the site plan, explaining that the proposal included a plan to knock down the existing structure and rebuild a cottage. He noted that the new structure will be in the same footprint as the existing cottage. The existing structure is 32'x22'4" and the new structure will be 32'x22', according to Mr. Colabella. The plan includes modifying the contours slightly and adjust them to catch any runoff on the site, where it will lead to a new raingarden. Mr. Colabella reported the deck being increased by two feet towards both the lake side and the southeasterly side. He noted that a 3'x3' landing to the deck will also be added.

Referring to the wetlands table, Mr. Colabella reported 95 square feet of raingarden being installed and 939 square feet of regulated activity for the house and deck. Mr. Colabella noted that because the deck is currently over dirt and grass, a permeable area will need to be added to that location. Mr. Colabella noted that while the impervious surface is increasing by 56 square feet, the raingarden is larger than that.

Mr. Colabella explained that the raingarden will also capture the runoff that flows onto this property from the neighboring property.

Mr. Molinelli questioned the construction sequence. Ms. McCarthy noted that it would begin as soon as possible, likely in October.

Mr. Molinelli confirmed that there was nothing proposed for work near the lake wall. Mr. Colabella corrected, explaining that his client was proposing repairing a couple sections of lake wall. He noted that there would be no equipment in the lakebed and that it only involved laying stones. Ms. Mulvey explained that this work needed to be added to the application. Mr. Colabella noted that there would be more information provided at the next meeting.

Ms. Mulvey questioned whether the docks as shown on the survey were accurate. Mr. Colabella indicated that the docks were existing. He noted that there were no plans for any modifications to the dock.

Mr. Molinelli questioned whether the debris from the cottage demolition would be removed immediately. Mr. Colabella noted that there is no storage on the site so a dump truck would be waiting on the street.

Regarding inquiries on the foundation, Mr. Colabella reported that a portion of the foundation will be slab on grade and as it steps up, it will be a full foundation. Mr. Molinelli questioned the storage of that material. Mr. Colabella noted that it would be located on the side and reported that there would be no fill required to be brought on site.

Staff questioned whether there were any segments of the lake wall that needed to be brought down to the base and rebuilt. Mr. Colabella explained that any stones that were loose will be restacked. He confirmed that there would be some excavation behind the wall. He noted that there would be no equipment in the lakebed. Mr. Molinelli questioned whether the lake wall would be done first. Mr. Colabella confirmed, noting that the raingarden would likely be installed after that. He noted that there is a 7.4' sideyard on the southerly side of the parcel and a 6.1' sideyard on the northerly side of the parcel.

Ms. Krawiecki questioned whether the height of the building will be increasing. Mr. Colabella confirmed, noting that it will increase from 21'6" to 25'6½".

**MOTION:** Ms. Krawiecki, Ms. Timmeney second, to accept Application IWWC#20-33 Applicant/Owner: Lynette McCarthy Location: 134 Shore Drive Proposal: Knock Down and Rebuild Cottage; Repair and Repoint Lakewall, finding the proposed activity as not significant; unanimously approved.

**I. 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 noted that he was seeking to repair his stone wall, explaining that there are sink holes behind several spots. His project will also include repairing the pier under the dock and raising the dock. Mr. Wilson shared photographs of his property indicating a ten-foot section he identified as Section 1 that would only require repointing, another portion identified as Section 2 that will need to be taken down to ground level and rebuilt, another portion identified as Section 3 that would require repointing and backfilling, and the last section identified as Section 4, on the southerly side, that would only require repointing.

Mr. Wilson explained his dock was sinking eight inches and noted that it needed to be repointed. In response to an inquiry from staff, Mr. Wilson indicated that he also had a boatlift and a walkway that leads to it. A request was made by the Commission for the applicant to locate on the map the boatlift and the walkway.

Mr. Molinelli questioned whether the wall would be topped or would instead be a natural stone top. Mr. Wilson noted that he had not yet discussed that with his mason. He indicated that he assumed the sections that are being built would be topped. In response to an inquiry whether the height would be as it is now or would be higher, Mr. Wilson reported that the height would remain the same.

Staff confirmed that what is on site currently as described by the applicant matches what the Town has on file.

Mr. Wilson indicated that the pier in the lake will be repointed with the stones that are falling out replaced. He noted that it will be raised by eight inches to make it level. He reported that the mason that is going to do the work had done the same work two drawdowns ago, prior to his purchasing the home. Mr. Wilson noted that the same mason had repointed the wall a few times. Mr. Molinelli questioned whether the dock was going to be jacked up while the work with the pier was completed. Mr. Wilson confirmed. Mr. Molinelli questioned whether the contractor understood that no machinery was allowed in the lakebed. Mr. Wilson confirmed, noting that the plan was to stage materials for backfilling as well as the cement on the northern portion of the driveway and use wheelbarrows to bring materials to the work area as needed. He reported that all excavation will be done by hand. Mr. Molinelli questioned the location for silt fencing. Mr. Wilson noted that silt fence will be installed in front of the sections of wall that will be torn down and rebuilt. Mr. Molinelli advised the applicant that the Commission will likely request more silt fence than the proposal reflected and noted that haybales should be added.

Mr. Molinelli questioned whether any plantings were planned for along the lake wall. Staff reported that a 2009 after-the-fact approval for a patio, that had followed a Cease and Desist Order, had required a depressed buffer garden running the width of the uphill side of the patio. The buffer garden was to be installed pursuant to a letter dated December 15, 2009 of the Northwest Conservation District, according to staff. Mr. Wilson reported that what is currently on that side of the patio is an eighteen-inch section of stone that was installed to deal with runoff from the lawn. Mr. Timmeney shared his concerns with the grass in the yard getting into the lake. Mr. Molinelli noted that a mower with a bag attached to it might collect the clippings. Mr. Wilson reported that he does not cut the grass at this residence but instead has a contractor that brings a riding mower that appears to not leave clippings on the lawn. Mr. Molinelli requested the applicant meet with the wetlands agent to discuss the 2009 approval. Mr. Wilson agreed but noted that he would like to gain an understanding of the difference between a vegetative barrier and the existing stone gutter.

**MOTION:** Ms. Molinelli, Ms. Hunter second, to accept Application IWWC#20-34 Applicant/Owner: David M. Wilson Location: 622 East Wakefield Boulevard Proposal: Repairs to Lake Stone Wall and Pier, finding the proposed activity as not significant; unanimously approved.

**11. ADJOURN:**

**MOTION:** Ms. Hunter, Ms. Krawiecki second, to adjourn at 9:30PM; unanimously approved.

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