



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

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

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

**July 15, 2020 – 7:00PM
Regular 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, Chris Kiely, Andrea Krawiecki, Mary Ann Marino, Steve Molinelli, Jackie Mulvey, and Steve Molinelli as well as staff member Pam Colombie.

Ric Nalette was absent excused.

3. APPROVAL OF MINUTES – May 20, 2020:

The May 20, 2020 Minutes should include the following changes:

The first paragraph of the first application, under *New Business*, on the sixth page, should have included a reference to the point in the discussions when a request was made to staff by a commissioner to verify what exists on the property and what should have been removed from the property;

MOTION: Mr. Davenport, Mr. Molinelli second, to approve the May 20, 2020 Regular Meeting Minutes as amended; unanimously approved.

4. AGENDA REVIEW:

No changes were made to the agenda.

5. PUBLIC HEARINGS:

A. IWWC#20-15 Applicant: Town of Winchester Conservation Commission/Farmington River Watershed Association Owner: Town of Winchester Location: 3 Meadow Street Proposal: Rain Garden and Pollinator Garden at Town-Owned Property.

The legal was read into the record with it having been noted as having run the requisite two times, on June 4, 2020 and June 10, 2020, in the Republican American. It was also noted that the Certificates of Mail, providing evidence that notice of this public hearing had been properly provided to the abutting property owners, had been submitted.

Farmington River Watershed Association Program Manager Laura Hart appeared before the Commission regarding this application. She explained that the FRWA had focused this year more on Winsted, noting that the Mad River and Still River feed into the wild and scenic Farmington River. Ms. Hart reported having received a grant from the National Park Foundation to do some outreach education and green infrastructure projects in the area. Ms. Hart explained that the greatest issue for FRWA is polluted stormwater runoff. She explained that runoff is produced from heavy rainstorms after rainwater hits hard surfaces and runs directly into storm drains and makes its way to tributaries. Ms. Hart reminded the Commission that one of the best ways to mitigate storm water pollution is by installing green infrastructure projects such as rain gardens. Rain gardens function to slow the runoff and allow it to infiltrate into the ground thereby reducing stormwater runoff, according to Ms. Hart. She noted that the native plants that are part of these designed systems are great for local wildlife and produce a lot of green space. Ms. Hart noted how visible this site was which shall function as an educational site, too.

Ms. Hart reported that FRWA is committed to replacing the plants when necessary, for a period of time, until the gardens are established. Mr. Davenport questioned whether the area will actually function as a rain garden. She confirmed that the one garden near the retaining wall, currently the site of a runoff source, will while the other garden is a pollinator garden.

Ms. Hart noted that FRWA would like to complete this project this fall.

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

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

B. IWWC#20-16 Applicant/Owner: Adam McMaster and Milagros McMaster Location: Lot 1 & Lot 2 West Road Proposal: Clear 6 Acres of Land on Lot 2 for the Construction of a Single-Family Home.

The legal was read into the record with it having been noted as having run the requisite two times, on June 4, 2020 and June 10, 2020, in the Republican American. It was also noted that the Certificates of Mail, providing evidence that notice of this public hearing had been properly provided to the abutting property owners, had been submitted.

Attorney Marjorie Shansky, accompanied by her client Adam McMaster, Professional Engineer Bill Colby, and Certified Wetlands Scientist/Registered Soil Scientist Bill Klein, appeared before the Commission regarding this application. Attorney Shansky noted that a soil erosion and sediment control plan had been prepared and approval for the same was being sought. She reminded the Commission that her client had undertaken the clearing of the site and after having been contacted by the Town, immediately stopped, and engaged the requisite professionals to assist him. Attorney Shansky noted that Mr. Klein had completed and submitted a wetlands and watercourses delineation report, dated June 15, 2020, in which he concluded that there is no wetlands or watercourses near the area of recent clearing nor within the upland review area.

Mr. Colby reported that in visiting the site after the clearing had been completed, he and his client created a plan to contain the property from erosion should there have been storms. This was completed through the installation of silt fence, according to Mr. Colby. After a somewhat heavy rain event following the remnants of Storm Faye, he reported visiting the site right after and noted no significant erosion from it. Mr. Colby confirmed that the clearing did include a ten to fifteen-foot infringement into the property's conservation easement. Attorney Shansky confirmed that the conservation area is flagged. She indicated that her client intends to plant in the area of the encroachment and to install some conservation area signage or boulders that clearly delineate it to avoid off-road access so that an encroachment does not happen again.

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

MOTION: Mr. Davenport, Ms. Krawiecki second, to close the public hearing; unanimously approved.

6. 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.

Ms. Marino recused herself from this application and turned her video off as this application was considered.

Staff reported a request had been received from the applicant for a continuance of this matter.

MOTION: Ms. Mulvey, second, to continue Application 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 to the August 19, 2020 regular meeting;

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

**B. IWWC#20-12 (Modification of IWWC#19-33) Applicant/Owner: Bob Leach and Jennifer Leach
Location: 348 East Wakefield Boulevard Proposal: Replace Wood Decking with Aluminum on Dock.**

Staff reminded the Commission that the applicants had been before them in July, 2018 as well as in July, 2019. Mr. Leach explained that he had purchased a new dock this past spring and had thought that an application was not necessary as the dock size and location had not changed. Mr. Leach noted that the 2018 survey uploaded to the town's website, with the dock's length depicted as 40' in handwriting, was a mistake. He explained that the length is 40' only when including the platform at the end of the dock.

Mr. Leach noted that the only other change from the 2019 plan was the location of the platform. He explained that when the dock was delivered by the vendor, the bracket pieces for the platform were on the right hand side and at the time, Mr. Leach hadn't thought that would make a difference because the system was in the same area.

It was noted that the 2019 approval was for a double jetski lift to replace what had been a second boatlift. Mr. Molinelli reported he had been by and had observed a pontoon boat in the location of the jetski lift spot. Mr. Leach noted that he had not purchased the two jetskis due to COVID-19 and currently his boat is under it with the lift dropped all the way under. Mr. Molinelli questioned the size of the double jetski lift. Mr. Leach indicated it as 10'x10'. Ms. Marino questioned the distance from the lift to the boundary line. Mr. Leach noted that the distance to the boundary had not changed. He explained that only the ramp had been moved.

Mr. Leach discussed some very minor wall repairs that he would like to undertake during the drawdown. He noted that some rocks fell out of the wall in three locations and he intended to place them back in by hand. Mr. Leach noted that there would be no machines used for this work. Staff noted that this work is usually considered routine maintenance but that she advises lake residents to keep the office informed.

MOTION: Mr. Davenport, Ms. Marino second, to approve Application IWWC#20-12 (Modification of IWWC#19-33) Applicant/Owner: Bob Leach and Jennifer Leach Location: 348 East Wakefield Boulevard Proposal: Replace Wood Decking with Aluminum on 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 July 15, 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. Dock registration to be submitted to the Wetlands Office;

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

C. IWWC#20-13 Applicant: Robert Dombi Owner: Claire Dombi Location: 91 East Lake Street Proposal: Remove Existing Dock; Install New 40' Cantilever Dock and Install New 10'x10' Swim Platform. Register Existing Boat Lift and Jet Ski Lift.

Robert Dombi appeared before the Commission regarding this application. Mr. Dombi reminded the Commission that he has an existing sixty-eight (68') foot dock, with forty to forty-five feet of it as stationary and the rest of it as a floating dock. He noted that the request is to remove that and replace it with a forty (40') foot cantilever dock and to add a swim platform. Ms. Marino questioned how far off-shore the swim platform would be. Mr. Dombi noted that the furthest point to land would be 30'.

Mr. Dombi indicated that the cantilever dock would be installed during the upcoming deep drawdown this fall. Mr. Molinelli questioned whether the area, to be excavated for the concrete pad, was expected to be wet. Mr. Davenport suggested that should dewatering appear to become necessary, there should be a plan submitted for approval in this regard.

MOTION: Mr. Davenport, Mr. Molinelli second, to approve Application IWWC#20-13 Applicant: Robert Dombi Owner: Claire Dombi Location: 91 East Lake Street Proposal: Remove Existing Dock; Install New 40' Cantilever Dock and Install New 10'x10' Swim Platform. Register Existing Boat Lift and Jet Ski Lift subject to the standard conditions (1-12) and additional conditions:

13. Cash erosion and sedimentation bond totaling \$500 to be submitted to the Inland Wetlands Office prior to the commencement of work.

14. Applicant to submit dewatering plan should it become necessary;

unanimously approved.

D. IWWC#20-15 Applicant: Town of Winchester Conservation Commission/Farmington River Watershed Association Owner: Town of Winchester Location: 3 Meadow Street Proposal: Rain Garden and Pollinator Garden at Town-Owned Property.

MOTION: Mr. Molinelli, Ms. Krawiecki second, to approve Application IWWC#20-15 Applicant: Town of Winchester Conservation Commission/Farmington River Watershed Association Owner: Town of Winchester Location: 3 Meadow Street Proposal: Rain Garden and Pollinator Garden at Town-Owned Property, subject to the standard conditions (1-12);

unanimously approved.

E. IWWC#20-16 Applicant/Owner: Adam McMaster and Milagros McMaster Location: Lot 1 & Lot 2 West Road Proposal: Clear 6 Acres of Land on Lot 2 for the Construction of a Single-Family Home.

MOTION: Mr. Davenport, Mr. Molinelli second, to approve Application IWWC#20-16 Applicant/Owner: Adam McMaster and Milagros McMaster Location: Lot 1 & Lot 2 West Road Proposal: Clear 6 Acres of Land on Lot 2 for the Construction of a Single-Family Home, subject to the standard conditions (1-12) and the following additional conditions:

13. Boulders and placards to be placed in area of conservation easement;

unanimously approved.

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

Joseph Charles appeared before the commission regarding this application. Mr. Charles noted that he intends to delay construction of the barn and greenhouse that were shown on the drawings and planned to construct only the home at this point. Mr. Charles reported that he had been unable to reach his engineer after having received the plans, explaining that he will have to retain a new engineer. Staff questioned whether the septic system had been approved by the Torrington Area Health District yet. Mr. Charles confirmed that it had.

Ms. Marino questioned whether there would be plumbing in either the barn or greenhouse or any type of irrigation system that would drain into the septic system. Mr. Charles indicated that there would not be.

Ms. Hunter questioned whether there are wetlands on this property. Mr. Charles noted that the wetlands are outside of his parcel, explaining that he was planning on disturbing more than a half-acre. Staff questioned whether he had plans to change any grades. He noted that he did not but instead was only looking to clear the trees and level out the lot. Ms. Krawiecki questioned whether the applicant had a contractor. Mr. Charles indicated that he was working with Bill Eichner.

Noting that the neighbor to the right had requested that he perform some tree trimming on his property, Mr. Charles questioned whether he might cut some of those trees too as requested. Staff questioned whether he was planning to cut all the trees down on this property. Mr. Charles indicated that he planned to leave a majority of the back end of trees.

The consensus of the Commission was that the applicant should meet with staff in order to clear up some of the questions that were communicated to him in a previous email such as areas of disturbance, grade changes, and phasing.

MOTION: Ms. Hunter, Mr. Molinelli second, to accept Application IWWC#20-18 Applicant/Owner: Joseph Charles Location: 109 Mundry Road Proposal: Septic and Well Approval as not significant and to continue to the August 19, 2020 regular meeting;

unanimously approved.

G. IWWC#20-19 Applicant: Ideal Woodworking, LLC Owner: Brian O’Heron Location: 212 West Wakefield Boulevard Proposal: Hand Dig Around Water Supply to House to Insulate from Freezing.

Rick Utenis of Ideal Woodworking, LLC appeared before the Commission regarding this application. Mr. Utenis explained that his client needed a water supply line insulated. To perform this work, he intended to dig into the bank to form a box around the pipe. Mr. Utenis noted that the project is small and will likely be limited to a 2’x2’ square in a wall retained by riprap.

Mr. Utenis explained that the property is for sale and because the shut-off is located on the other property across the street, this project is being undertaken to avoid this. Mr. Molinelli questioned the distance from the area to be dug and the lake. Mr. Utenis approximated it to be twelve (12’) feet from the lake.

MOTION: Mr. Davenport, Ms. Krawiecki second, to approve Application IWWC#20-19 Location: 212 West Wakefield Boulevard Applicant: Ideal Woodworking, LLC Owner: Brian O’Heron Proposal: Hand Dig Around Water Supply to House to Insulate from Freezing, subject to the standard (1-12) conditions;
unanimously approved.

7. NEW BUSINESS:

A. IWWC#20-20 Applicant/Owner: Beth Papermaster Location: 444 East Wakefield Boulevard Proposal: Repoint Existing Wall, Plug Holes in Boulder Wall, Add Wall to Prevent Erosion.

Beth Papermaster, accompanied by her contractor Bryan Dwyer, appeared before the Commission regarding this application. She explained that the proposal included minor repairs to the wall to sustain it until the next deep drawdown, noting that they may need to replace the entire wall at that time. Ms. Papermaster indicated that they may want to also repair the stairs during this upcoming work. She explained that the stairs within the water would be repaired while the ones above the water level would likely be replaced. Additionally, Ms. Papermaster reported that she was seeking to register her docks and lifts.

Referencing her marked-up survey, Ms. Papermaster pointed out the areas of the wall that are the subject of the intended repairs. She noted that she would like a wall rebuild angled from the dock back to the retaining wall. Ms. Papermaster noted that this work would be undertaken on both sides of that dock.

Ms. Marino questioned how high and wide the wall would be and whether there was any planned drainage for this. Mr. Dwyer characterized the work as a simple project, explaining that the wall would be one-foot tall at the most. He noted that there is currently a riprap wall and that it would just be defined a bit. Regarding drainage, Mr. Dwyer indicated that crushed stone could be added but opined that it did not warrant weep holes. He noted that his client was amenable to what the Commission would require. Mr. Davenport suggested additional details be provided for the next meeting along with some photographs.

Regarding the steps, Mr. Dwyer explained that the work would be limited to repairing what was there plus the addition of one additional step to get above the high-water mark and all the waves that occur in Third Bay. Ms. Papermaster relayed that she was unsure of whether the stair work might not be undertaken.

Mr. Dwyer confirmed that all of the work would be done by hand. Ms. Papermaster confirmed that silt fence would be installed the whole length of the wall.

The consensus of the commission was that more information, details, and pictures should be submitted. It was agreed that the agenda should include the repairs of the steps and the dock and mooring registration for the August meeting.

MOTION: Mr. Davenport, Ms. Mulvey second, to accept Application IWWC#20-20 Applicant/Owner: Beth Papermaster Location: 444 East Wakefield Boulevard Proposal: Repoint Existing Wall, Plug Holes in Boulder Wall, Add Wall to Prevent Erosion, finding the activity as not significant;
unanimously approved.

B. IWWC#20-21 Applicant: John Milanese Owner: Blue Lake Properties, LLC Location: 406 East Wakefield Boulevard Proposal: To Gain Approval for Permit for Installed 14.9'x7.6' Wooden Platform, 12.2'x8' Wooden Platform and 12'x9' Block Patio Near Lake and Irregular Shape Patio 20'x38' Near Residence.

John Milanese appeared before the Commission regarding this application. He explained that all of the items contained in his proposal are currently already in place at the property. He noted that when he purchased the home, one of the platforms was already there. Mr. Milanese explained that he was unaware that he needed permits for any of these additional improvements. He explained that one of the wooden platforms was added near the water because the rocks were slippery in that area. Mr. Milanese reported that the survey has been updated to include all of these items, explaining that he is going to be selling this property. He explained that he was seeking to get all of the permits necessary for the items on his property.

Reviewing photographs, Mr. Milanese provided details on the construction and base of the platforms.

The Commission recessed at 9:31PM and reconvened at 9:37PM.

There was discussion among the commission to distinguish between what features had always been located at the water and what features were added during the applicant's ownership. He noted that the patio and platform near the wading pool had always been there.

There was interest among commissioners to do a site visit at this location. Staff agreed to coordinate this at a mutually convenient time with the property owner and cautioned both the applicant and the commission against any conversation regarding the application outside of a posted meeting.

MOTION: Mr. Molinelli, Ms. Krawiecki second, to accept Application #IWWC#20-21 Applicant: John Milanese Owner: Blue Lake Properties, LLC Location: 406 East Wakefield Boulevard Proposal: To Gain Approval for Permit for Installed 14.9'x7.6' Wooden Platform, 12.2'x8' Wooden Platform and 12'x9' Block Patio Near Lake and Irregular Shape Patio 20'x38' Near Residence finding the activity as not significant; unanimously approved.

C. IWWC#20-22 Applicant: Matt Closson Owner: Blue Lake Properties, LLC Location: 406 East Wakefield Boulevard Proposal: Installation of 8'x40' Cantilever Dock.

Matthew Closson appeared before the Commission regarding the application, noting that he was speaking on behalf of the intended buyer, Kathy Zyga. He explained that his client was very interested in the installation of a dock and that Land Surveyor John DiCara had located the proposed location of the dock on a site plan. He noted that a very large, 12'x16' boulder is just off the shore in the proposed spot of the dock. Mr. Closson indicated that there would be some steel supports anchored into the ledge. He noted that there would be no excavation but that a leveling pad would be poured at the shore. The structure of the dock itself will be pressure-treated framework with composite decking.

Mr. Molinelli questioned whether the proposed dock was located at the apex of the narrows. Mr. Closson corrected, noting that the apex was at the site approved a couple of months ago, at 404 East Wakefield Boulevard. He noted that Mr. DiCara didn't indicate the apex but when scaled, the subject site is 50' from the narrows. Mr. Closson explained that a boat traveling more than 7MPH going through the narrows has to remain in the center and at the closest point, he estimated a boat would be 150' from the end of where the dock would be. The Commission reviewed the GIS to view the width of the narrows and the distance from one shore across to the other.

Ms. Marino questioned how the dock would be anchored to the shore. Mr. Closson noted that he had included in the application how the dock would be mechanically fastened to the large ledge there with a leveling pad. The beam will be fastened to the large boulder in the water, according to Mr. Closson. Mr. Molinelli questioned

how far below the surface of the water the boulder is. Mr. Closson estimated it to be one foot, noting that a boat cannot be parked over it.

Ms. Krawiecki requested more precise information regarding the beam support, the height of the beam support, and measure of the boulder. Ms. Marino questioned why the dock needs to be extended forty feet in this location and whether a shorter dock might satisfy the needs of the new owner in terms of parking a boat. Mr. Closson explained that the boulder extends sixteen (16') feet offshore so the dock itself will likely have only twenty-five (25') feet of useable space. Noting that a pontoon boat is thirty feet, the request for the length was to give the new homeowner as much useable space as possible, Mr. Closson explained. Ms. Marino questioned whether the boulder was just under one side of the dock. Mr. Closson referred to a photograph that the Commission was presented with as submitted by Mr. Milanese.

Mr. Timmeney questioned the amount of lake frontage. Mr. Closson estimated from the survey the frontage to be at over 100'.

The commission discussed visiting the site and asking the applicant to locate a pin at the spot where the proposed dock would be anchored and a temporary buoy installed at the end of the proposed dock so as to gain a better visual of the possible impacts of the dock and its proximity to the narrows.

MOTION: Ms. Mulvey, Ms. Krawiecki second, to accept Application IWWC#20-22 Applicant: Matt Closson Owner: Blue Lake Properties, LLC Location: 406 East Wakefield Boulevard Proposal: Installation of 8'x40' Cantilever Dock and in the public interest, to schedule a public hearing for August 19, 2020;
unanimously approved.

D. 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. Winchester Public Schools Superintendent Melany Shanley-Brady, accompanied by Professional Engineer Donald Smith, appeared before the Commission regarding this application. Mr. Smith reviewed the plan set for the Hinsdale School renovation, for the existing school building on .62 acres located at the corner of Hinsdale Avenue and Spencer Street. He noted that the plans include a demolition of 11000 square feet of the existing school building including the portion over the Gilbert Home brook. The existing asphalt of the main roadway into the campus will be removed, fine-graded, and repaved, according to Mr. Smith. He noted that there will be new sidewalks throughout the site. Mr. Smith reviewed which parking lots will remain and which will be added. He also discussed the playground areas to be moved and added.

Mr. Smith reported that there is a 30" storm drain from Williams Avenue that comes down and picks up some of the site drainage before it discharges into the brook. He explained that a 10'x10' culvert exists under the school, with water flowing, before leading into a 60" pipe on Hinsdale Avenue. That pipe eventually leads into a box culvert before reaching the Mad River, according to Mr. Smith. He explained that after the existing school building is demolished, the stream channel will be exposed and daylighted. The stream channel is approximately twelve feet below the elevation of the parking lot with a 2:1 slope on either side. Mr. Smith noted the proposed parking lot on the westerly side of the stream channel and noted the provision of underground galleys to accommodate the water quality volume. He explained that peak runoff has not been addressed and indicated that the site, as proposed, has approximately 1000 square feet less impervious surface than what exists currently.

Water quality improvements include a new catch basin with a hydrodynamic separator in the parking lot to the north, according to Mr. Smith, which will outflow to the brook. He noted that the plans avoided changing the 30" pipe that comes down from Williams Avenue and site driveway that picks up the school building itself before discharging into the brook. Mr. Davenport questioned whether there were any planned improvements to the existing stormwater flow. Mr. Smith referred to the impervious surface reduction. He noted that the

purpose of this project did not include water quality improvements, noting that the 30" pipe was for off-site stormwater. He explained that the stormwater management was designed to address what is being added to the site. Mr. Smith noted that the two play areas, accounting for approximately 11000 square feet, will have a rubberized surface and a stone base. He explained that although it is an impervious surface, the water runs through it. With the stone base, there will be some infiltration into the ground, according to Mr. Smith. He reported that there is an underdrain system underneath the playscapes despite them being included in the impervious count. Mr. Davenport questioned where that water gets piped. Mr. Smith indicated that the water will get piped to the catch basins that are in the road and to a catch basin out to the brook.

Mr. Smith reported the wetlands and Gilbert Home Brook on the site as approximately 38500 square feet. He noted that there is very little proposed impact into the wetlands themselves with the exception of the brook reconstruction. The back side of one parking lot will include a curtain drain that will be tied into a catch basin which will include 300 square feet of wetlands impact. The work within the watercourse involves approximately 1000 square feet, according to Mr. Smith.

Mr. Davenport questioned the provisions included to prevent debris from getting into the brook during the demolition. Mr. Smith noted the temporary stream protection included on the demolition plan. The proposal is similar to highway construction projects, with the contractor bolting angle irons to both sides of the concrete wall with temporary work platforms during the removal of the building above, according to Mr. Smith. He noted the challenging part as the removal of the remaining two sidewalls and the bottom while at the same time allowing flow. Mr. Smith noted that a temporary watering plan had been provided which includes sandbags and temporary bypass piping. Mr. Smith noted the proposal is to dig the 100' long section, divide it into three or four sections on the upstream area and then work down. He noted that the dewatering plan will be developed by the contractors ultimately. Mr. Smith explained that there will be sedimentation but that the ends will justify the means. He reported that the plans had been provided to the US Army Corp. of Engineers (USAOC) who indicated that this work is covered under their Self Verification Program. He noted that there had also been discussions with the Department of Energy and Environmental Protection (DEEP) who had ruled that they have no jurisdiction with the project and that the regulating falls with this Commission.

Mr. Smith reviewed how another objective of the proposal is to mitigate the potential flood impact to the school. He noted that the front entrance is going to stay and that the portion of the foundation near it is going to be cut down to an elevation of 760.0' so that in a 100-year flood event, the water will overtop the wall and run down the street. Mr. Smith explained that the culvert does not have sufficient capacity for a 100-year event so a weir is being installed to allow it to overflow. He noted that another benefit of the project is that it takes away the threat of flooding to the school.

Mr. Davenport questioned whether the water diversion management part of the project is going to be left to the contractor. Mr. Smith confirmed, noting that there has been a temporary water handling plan included which the contractor may utilize with their own modifications. Mr. Smith noted that the in-stream work is limited to between June 1st and September 30th during low-flow conditions. He indicated that the contractor is going to have to watch the weather and when thunderstorms are predicted, will have to pull their 24" pipe and sandbags up when a storm event is expected.

The consensus of the Commission was to pursue a third-party, independent review.

Mr. Molinelli questioned when the project is likely to begin. Ms. Shanley-Brady indicated it is likely to go out to bid in the late fall/early winter depending on when the legislative session resumes.

MOTION: Mr. Davenport, Mr. Molinelli second, to accept 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, to seek an independent review regarding stormwater management and the brook diversion, and in the public interest, to schedule a public hearing for August 19, 2020;
unanimously approved.

E. IWWC#20-24 Applicant/Owner: Patrick Enright Location: 102 Sucker Brook Road Proposal: Construct Repair of Septic System in Regulated Area. Approval by Agent Determination Requested. (Nearly Identical Plan Approved by Agent Determination in 2010.)

MOTION: Ms. Mulvey, Mr. Molinelli second, to refer Application IWWC#20-24 Applicant/Owner: Patrick Enright Location: 102 Sucker Brook Road Proposal: Construct Repair of Septic System in Regulated Area for an agent determination; unanimously approved.

F. 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 appeared before the Commission regarding this application. He noted that there had been a permit issued at this location approximately ten years ago for a retaining wall. He noted that at that time, the site was approved for a dock with a concrete pier in the water but after four or five years, the pier was knocked over due to ice. The dock system was removed and is currently sitting on shore. The proposed cantilever system will include approximately twenty yards of material to be excavated from the area of the base, according to Mr. Closson. Referencing the survey from the 2006 retaining wall project used for this application, Mr. Closson indicated that the new dock would be located in the exact same spot. Staff noted that the 2006 approval was conditioned that an As-built was required of existing wall and shoreline. The As-built had not been submitted, according to staff. Mr. Closson agreed to submit the As-built prior to the next meeting. He also agreed to locate the area on shore for the pad for the dock and to add silt-fence to the area.

MOTION: Ms. Mulvey, Ms. Hunter second, to accept 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, finding the proposed activity as not significant;
unanimously approved.

G. 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.

The following application on the abutting property, relating to the same applicant/owner, was discussed, and reviewed simultaneously with this one. Roy Emmerthal, accompanied by his contractor Bryan Dwyer, appeared before the Commission regarding this application. Mr. Emmerthal noted that the location of the lake wall will not be modified although the proposal includes raising the height of the wall by twenty inches, bringing it to the same height as that of the adjacent property.

Mr. Emmerthal noted that the concrete steps that connect the upper area near the house down to the lake will also be replaced as part of this application. Additionally, Mr. Emerthal explained that he had originally intended to install a patio along the lake's edge, but that staff had advised that a variance would be necessary so that component of the project has been pulled out. He indicated that an area that is 30' away from the water, but at that same elevation, may be added.

Mr. Emmerthal noted that a patio is proposed for underneath the deck at the upper residence level. Mr. Emerthal confirmed that a permit had been secured for that deck last year.

Finally, Mr. Emmerthal reported that the project includes replacement of a thirty-inch high retaining wall in the mid-section of the lot.

Mr. Davenport explained that the Commission would typically review a survey for this type of project. Mr. Emerthal confirmed that he will get one done. It was noted that the survey should include what is existing and what is proposed and to include heights and elevations.

Mr. Emerthal noted that he was also submitting registrations for items in the water. Noting the portion of the proposal where the applicant was seeking to establish a perimeter retaining wall in upper level, Ms. Marino questioned if one currently existed. Mr. Emerthal noted that there are some smaller rocks, less than one foot in diameter, but the proposal was to create something more substantial.

Reviewing a photograph of the site, Mr. Emerthal noted that the lower retaining wall was going to be pushed back and confirmed some material would be brought in as the yard would also be raised when the wall is elevated by 20".

MOTION: Mr. Davenport, Ms. Hunter second, to continue Application 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 **and** Application IWWC#20-27 Applicant/Owner: Leroy Emmerthal Location: 500 East Wakefield Boulevard Proposal: Repair Existing Lake Wall to the August 19, 2020 regular meeting;

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

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

This application was continued as it was included in the review of the previous application.

I. IWWC#20-28 Applicant: Matthew Closson Owner: Ryan A. Horvay and Margaret C. Horvay Location: 545 East Wakefield Boulevard Proposal: Connect to Town's Catch Basin Within Review Area as part of Construction Project for New 36'x26' House Outside Review Area.

Matthew Closson appeared before the Commission regarding this application. He noted that a building permit had been sought for the home construction in early June. Mr. Closson explained that he understood that this was going to be reviewed as part of an agent approval, as the construction was out of the 100' upland review area. Mr. Closson noted that the footing drain was going to connect to the town's existing catch basin. He confirmed that a two-foot wide trench would need to be excavated within the review area. Mr. Closson noted that he had received verbal approval from Department of Public Works Director Jim Rollins for tying into the town's basin. He noted that Mr. Rollins indicated that the roof leaders may have to daylight onto a rip rap swale just before the basin. While two driveways already existed, a tracking pad would likely be added to avoid any dirt or debris into the road. Mr. Closson noted that the silt fence had been installed prior to July 4th.

MOTION: Mr. Davenport, Mr. Molinelli second, to refer Application IWWC#20-28 Applicant: Matthew Closson Owner: Ryan A. Horvay and Margaret C. Horvay Location: 545 East Wakefield Boulevard Proposal: Connect to Town's Catch Basin Within Review Area as part of Construction Project for New 36'x26' House Outside Review Area, for an agent approval;

unanimously approved.

8. AGENT ACTIONS:

A. Determinations.

None.

B. Warnings/Violations.

i. SHOW CAUSE HEARINGS:

1. Owner: Robert Kelly and Pamela Kelly Cease and Desist Order Location: 116 Sucker Brook Road Map: 032 Block: 153 Lot: 033 Violation: Excavating within a Wetlands and Upland Review Area.

Staff reported receiving complaints regarding excavating within the wetlands. After initially visiting the site on a Friday, staff returned the following Tuesday and having received permission to view the back yard from an abutting property owner, observations included a chicken coop and some apparent excavating within the wetlands. She referred commissioners to the photographs taken that date.

Attorney Jonathan Meter appeared on behalf of Robert and Pamela Kelly. He noted that his clients intended to submit an application to the commission. Attorney Meter explained that his clients had purchased the property immediately following a septic system replacement. The location of the septic system is in the only place that it could go, in the rear yard, which is also an upland regulated area, according to Attorney Meter. He speculated that the contractor who installed the septic system had included only a negligible amount of topsoil. As a result, Attorney Meter explained the backyard did not have grass but instead had septic sand poking through. He confirmed that his clients had brought in topsoil on the septic system in a regulated area in order to get grass to grow. He reported that the goal of his clients was to seed up to the wetlands area. Attorney Meter noted that they would like to reseed that area as soon as possible.

Attorney Meter reported that his clients have been doing some select clearing of dead trees in the wetlands and regulated area. He noted that the stumps that are evident in the photographs are of trees that could have become a problem in the future.

Referencing the chicken coop, Attorney Meter opined that it was located outside of the wetlands area, in the vicinity of Wetlands Flag 16. He characterized it as an exempt activity as it would be constituted as grazing under Connecticut General Statutes but noted that a determination would be necessary from the wetlands agent or the commission as a whole. Attorney Meter reported having conferred with his client about the use of a tractor in the wetlands area and had explained to them that it should not have happened.

Attorney Meter reported that when the septic system was installed, the site was ledge and as a result, the contractor had pushed a lot of rock into the wetlands area. Mr. Davenport questioned whether the property owners would be seeking to move some of those rocks. Attorney Meter noted that his clients would likely want to leave the rocks there but to position them in a place where they would be more organized.

Ms. Marino questioned whether the septic system was a condition of the sale and whether they saw these problems prior to their closing. Attorney Meter confirmed.

Staff questioned whether the application that would be filed would have an updated site plan with the wetlands depicted. Attorney Meter noted that they would like to use the existing site plan depicting the septic system and highlight the areas where activity is taking place. Staff questioned whether a soil scientist would reflag the wetlands as the flags have been removed. Attorney Meter indicated that he wasn't sure that it was necessary to reflag the wetlands because there is an acknowledgement that everything that is occurring is in a regulated area. Staff questioned whether the tractor has been removed from the wetlands. Attorney Meter confirmed that the tractor would be moved and that there would be no further activity in the regulated area. Ms. Hunter questioned whether the chicken coop was in the wetlands. Attorney Meter opined that the coop was in the regulated area to the rear of the wetlands area. Staff questioned whether the chicken coop was going to be removed or located on a site plan. While Attorney Meter shared his preference to not require a surveyor locate the coop on a site plan, Mr. Davenport noted the Commission's preference for as much information as possible.

9. COMMUNICATIONS AND BILLS:

No business was discussed.

10. OTHER BUSINESS:

A. Discussion on Catch Basin Maintenance Schedule.

No business was discussed.

B. Election of Officers.

No business was discussed.

11. ADJOURN:

MOTION: Mr. Nalette, Mr. Kiely second, to adjourn; unanimously approved.

The meeting adjourned on Thursday, July 16, 2020 at 12:39AM.

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