



TOWN OF WINCHESTER
INLAND WETLANDS & WATERCOURSES COMMISSION
Town of Winchester Town Hall, 338 Main Street
P. Francis Hicks Room – 2nd Floor
January 15, 2020 – 7:00PM
Regular Meeting Minutes

1. CALL TO ORDER:

Chairman Ric Nalette called the meeting to order at 7:03PM.

2. ROLL CALL:

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

Chris Kiely was absent excused.

3. APPROVAL OF MINUTES – December 18, 2019:

MOTION: Ms. Hunter, Ms. Krawiecki second, to approve the December 18, 2019 Minutes; unanimously approved.

4. AGENDA REVIEW:

No changes were made to the agenda.

5. PUBLIC HEARING:

A. IWWC#19-45 Applicant: Matthew Closson Owner: Ken Albino Location: 376 East Wakefield Boulevard Proposal: Install Footings Under House, Install Sonotubes for Proposed Deck, Install New Pervious Paver Patio, Removal of Impervious Areas, Install Stone Walls.

Matthew Closson appeared before the Commission regarding this application. He explained that the revisions being made to the plans could not be completed in time for this meeting and had requested a continuance of the public hearing.

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

MOTION: Mr. Nalette, Mrs. Krawiecki second, to continue the public hearing until the next regular meeting scheduled for February 19, 2020; unanimously approved.

B. IWWC#19-47 Applicant: Matthew Closson Owner: Feliks Viner Location: 262 Perch Rock Trail Proposal: Install New Pervious Paver Patio and Retaining Wall Drawings; Install Five Sonotubes for Proposed Deck; Repair Existing Dock Pier and Retaining Wall.

The legal ad for the hearing was read into the record with it being noted as having run the requisite two times, January 1, 2020 and January 8, 2020, in the Republican American. It was noted that the Certificates of Mail had been received by the Wetlands Office, providing evidence that the abutting property owners had been sent notice regarding this public hearing.

Matthew Closson, accompanied by his client Felix Viner, appeared before the Commission regarding this application. Mr. Closson reminded the Commission that at the previous meeting, a request had been made to locate on the site plan the limit of the review area and to depict the topography of the entire site. He also noted that the stone retaining wall detail and the pervious paver patio detail had been provided. A review by a

professional engineer had been requested by the Commission, according to Mr. Closson. He noted that the Commission had also requested to review the silt fence and erosion controls specifications as well as review the construction sequence. The lengths and width of the dock had been located on the revised site plan pursuant to the Commission's recommendation from the previous meeting, too. He indicated that the jet ski lift had also been added.

Mr. Closson reported that the site plan that had been originally submitted with the application had since been revised twice: once to include the dimensions and erosion controls called out followed by additional revisions to include the recommendations of Professional Engineer Mike Sherman of Laurel Engineering.

The vegetative strip that was added was discussed. Mr. Closson noted that a list of appropriate plantings for the three-foot buffer had been submitted. Mr. Nalette noted that the plan reflects the buffer at the top of the new retaining wall rather than between the new proposed patio and the water. Mr. Closson explained that he had reviewed the same with Mr. Sherman. He relayed that stormwater runoff will drop onto the patio and will result in a slower sheet flow than what occurs currently. Mr. Closson noted that there is a four-foot elevation change over a distance of twenty-two feet.

The length of the dock was discussed with Mr. Nalette noting that it currently exceeds what the *Dock and Mooring Ordinance* allows.

Staff questioned whether any trees would be removed as part of the project. Mr. Closson indicated that there would not be.

The location of the parcel relative to the rest of the lake was discussed. Mr. Nalette questioned whether the area that this parcel is located has any safety concerns, in terms of being in a narrow area with a dock exceeding the length that is otherwise allowed by the Ordinance. The consensus of the Commission was that it was not in a narrow area.

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

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

C. IWWC#19-48 Applicant: Dave Stricker Owner: Camp Wah-nee in the Berkshires, Inc. Location: 132 Wahnee Road Proposal: Demolish Existing Cottage; Construct New 3779 Square Foot Dwelling; and 38'x38 Addition to Fitness Center; and Replace Boy's Bunk #11.

The legal ad for the hearing was read into the record with it being noted as having run the requisite two times, January 1, 2020 and January 8, 2020, in the Republican American. It was noted that the Certificates of Mail had been received by the Wetlands Office, providing evidence that the abutting property owners had been sent notice regarding this public hearing.

Mr. Nalette reminded fellow commissioners that as a previous application for this proposed project had been withdrawn, they should only consider what has been provided as part of this newer application. He noted that there were copies of three letters submitted by neighbor Richard Alling that had been provided to commissioners at this meeting. Copies were provided to Professional Engineer Gary Giordano who was appearing on behalf of Mr. Stricker.

Mr. Giordano reported that aerial photography of the property had been done, with those findings being included on sixteen sheets of drawings. He noted the parcel is on the south side of Park Pond and the northerly side of Wahnee Road, four hundred (400') feet easterly of Blue Street. He noted that Camp Berger is to the west of the parcel. Mr. Giordano noted the location of Cabin #11 that will be rebuilt, indicating that the southeast corner of that lot is 119' from any wetlands. He explained that while the cabin is currently on piers, it will be rebuilt on the same project.

Additionally, Mr. Giordano reported that his client intends to construct an addition on the back of the fitness center and noted that it is 547' away from the pond.

The rebuild of the house has one corner at 11.4' from the wetlands, according to Mr. Giordano. He noted that he had been working on the septic system site map for three months by consulting with the Torrington Area Health District and having discussions with the on-site contractor and manager of the camp.

Mr. Giordano distributed a site plan with a construction sequence for the proposed expanded fitness center and reviewed the erosion controls. He noted that an infiltrator system will be installed so that there will be no increase in runoff for the proposed building. Mr. Davenport questioned whether anything else is tied into the infiltrator system. He also asked if there one was there currently or whether it would be new. Mr. Giordano explained that it was new and that nothing else would be added.

Mr. Davenport questioned whether there were any existing paved roads and what was present already for drainage improvements. Mr. Giordano noted that there are some culverts under the driveways in the front of the site and that there are other "odds and ends" in other locations. He explained that there are no other drainage items in the areas for proposed construction.

Ms. Krawiecki questioned the size of the parcel. Mr. Giordano noted it as 41.4 acres.

Mr. Giordano then reviewed the house replacement. He noted that the septic tank is located under the back deck. He explained that the new house will have a foundation whereas the existing one is on piers. Mr. Giordano described the septic system with this house, explaining that he was unable to shoot the grades for the system. He pointed out the location of a proposed pump station explaining that it had been added in case the grades don't make gravity. He explained that if the grades are okay, the pump station will be unnecessary.

Ms. Hunter questioned whether the septic system was being completely removed. Mr. Giordano noted that only the septic tank is being relocated. He indicated that the pump chamber will stay. Mr. Giordano noted that the front of the house will be a slab on grade with no footing drains. Mr. Davenport questioned where the footing drains were going to go. Mr. Giordano noted that there will be another infiltrator system.

With regards to the wetlands, Mr. Giordano noted the woodchip barrier on the uphill side of the wetlands serving as a double protection. He noted that several trees will be removed in the front of the site.

Mr. Giordano submitted photographs of plans from Torrington Area Health District that he indicated will be located on a plan but will only be approximate. Ms. Hunter questioned whether TAHD had approved the plans yet. Mr. Giordano explained that they are working on it with Department of Energy and Environmental Protection because of the flows. He estimated the leaching fields to be over two hundred feet from the wetlands.

Mr. Molinelli questioned whether it was feasible or possible to change the flow of the wastewater from the leaching field to a different spot. Mr. Giordano indicated that all new force mains would need to be dug. Ms. Hunter questioned whether the age of the existing leaching field was known. Mr. Giordano noted that the maps he secured from TAHD were dated 1980, opining that the system was likely installed around that time or before that time. He reported that they were last inspected by DEEP sometime in 2000 and that there were no failures at that time.

Mr. Giordano reviewed the construction sequence for this house. He explained that the house was "shoe-horned" into the only place it could go, explaining that it was likely in this location before for the same reason.

Copies of the soil report from Soil Scientist Ian Cole were distributed to the Commission. Mr. Cole noted that in November, 2019, he delineated all the wetlands on the subject property. He noted that in the southwest

corner, there is a red maple dominated forested wetland draining out to the northwest via a stony intermittent watercourse. Near the ballfields, a man-made ditch collects overland flow and all the subsurface flow from the recreation fields which drains into the ditch and a series of culverts before drains out behind Building 51, according to Mr. Cole. He explained that this discharges to the shore of Park Pond. Mr. Cole reported that the third wetland is Park Pond and the associated shoreline with roughly half of it developed. The remaining half of the shoreline is a 1:1 rocky shoreline which forms the face of the dam for Park Pond, according to Mr. Cole.

Mr. Cole reported that the improvements do not propose any physical encroachments into the wetland boundaries. He noted that despite the dwelling being 11.9' from the wetlands, nothing is substantially changing in a meaningful way that is going to impact that wetland. Mr. Cole opined that the proposal does not alter the natural capacity of the wetlands and will not have an adverse effect.

Mr. Davenport questioned what the man-made ditch does in a big storm. Mr. Cole noted that it is pretty flat and low-energy and explained that the water just trickles through that area. Mr. Cole noted that there is no erosion.

In response to a question from the Commission, Mr. Giordano noted that he has all the drainage systems he could find on the property.

Mr. Nalette questioned whether Mr. Cole has surveyed the entire property and demarcated all of the wetlands. He confirmed.

Mr. Nalette noted that he would like certification of the septic systems by DEEP such as viability assessments. He indicated that he would also like the proposal to go to an outside engineer for an independent review. Mr. Giordano noted that it would take him six to twelve months to locate the septic systems on the ground and put them on a site plan. He proposed obtaining a sign-off from DEEP, or TAHD, that confirms the systems as adequate and a potential reserve area exists.

Ms. Hunter questioned whether the new house would be a year-round home. Dave Stricker explained that the house would be used as it is now, for when the camp is in session. Staff explained that once a Certificate of Occupancy is issued, there is nothing to prevent the house from being occupied year-round. Ms. Hunter explained that the reason behind the question was related to the age of the leeching fields. Mr. Stricker noted that the camp is used only for seven weeks. Mr. Giordano noted that the rest of the year, the septic systems see no use.

The hearing was open to the public for comment.

Richard Alling of 133 Wahnee Road shared his concerns with the proposal. He explained that he owns property both southerly and westerly of the camp. Mr. Alling also noted that he is the assign on an additional 200 acres of land easterly and southerly running along Wahnee Road. Mr. Alling noted his concern with the increase in the rate of runoff. He explained that he is concerned the increase in volume of water from the new structure that flows down to the pond. Mr. Alling noted that he believes wetlands have been filled in since the 1960s in the parking area. He noted that is also an increase in sedimentation from this area.

Mr. Giordano submitted drainage calculations.

Mr. Nalette explained that he would like Northwest Conservation District to review the proposal and would like something from DEEP regarding the septic system impacted by the house that it can handle the flows. Mr. Molinelli questioned when the applicant was looking to begin construction. Mr. Stricker reported that he had only limited time, noting that the work could not be undertaken during the camp season. Mr. Molinelli requested that Mr. Alling's correspondence be included in the referral for the independent review.

MOTION: Mr. Nalette, Ms. Hunter second, to continue the public hearing for Application #19-48, pending receipt of the outside review, to February 19, 2020; unanimously approved.

The Commission recessed at 9:09PM and resumed at 9:15PM.

6. OLD BUSINESS:

A. IWWC#19-45 Applicant: Matthew Closson Owner: Ken Albino Location: 376 East Wakefield Boulevard Proposal: Install Footings Under House, Install Sonotubes for Proposed Deck, Install New Pervious Paver Patio, Removal of Impervious Areas, Install Stone Walls.

As the public hearing was continued, no business discussed.

MOTION: Mr. Nalette, Ms. Krawiecki second, to table the application until the close of the public hearing; unanimously approved.

B. IWWC#19-47 Applicant: Matthew Closson Owner: Feliks Viner Location: 262 Perch Rock Trail Proposal: Install New Pervious Paver Patio and Retaining Wall Drawings; Install Five Sonotubes for Proposed Deck; Repair Existing Dock Pier and Retaining Wall.

MOTION: Mr. Molinelli, Ms. Hunter second, to approve Application IWWC#19-47 Applicant: Matthew Closson Owner: Feliks Viner Location: 262 Perch Rock Trail Proposal: Install New Pervious Paver Patio and Retaining Wall Drawings; Install Five Sonotubes for Proposed Deck; Repair Existing Dock Pier and Retaining Wall, based on oral and written testimony and subject to the standard Inland Wetlands and Watercourses Commission 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 January 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.

13. Cash erosion and sedimentation bond totaling \$1500 to be submitted to the Inland Wetlands Office prior to the commencement of work.

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

C. IWWC#19-48 Applicant: Dave Stricker Owner: Camp Wah-nee in the Berkshires, Inc. Location: 132 Wahnee Road Proposal: Demolish Existing Cottage; Construct New 3779 Square Foot Dwelling; and 38'x38 Addition to Fitness Center; and Replace Boy's Bunk #11.

As the public hearing was continued, no business was discussed.

7. NEW BUSINESS:

None.

8. AGENT ACTIONS:

A. Determinations.

None.

B. Warnings/Violations.

i. SHOW CAUSE HEARINGS:

None.

9. COMMUNICATIONS:

None.

10. Other Business.

A. Continue Discussion on 542 East Wakefield Boulevard.

Mr. Nalette reminded the Commission that in an effort to avoid civil litigation regarding 542 East Wakefield Boulevard and as the owners had been at the meeting for a different property, discussion was initiated at the last meeting by asking some clarification questions. While the conversation was not fruitful according to Mr. Nalette, he noted the applicant had nonetheless removed the pump for dewatering pursuant to the Commission's request and ceased work on the property. Mr. Nalette reported that the applicant had sent a representative to the Wetlands Office who had submitted a phasing plan. Copies of that phasing plan had been provided to the Commission in their packets.

Staff noted that copies of two emails were provided to them, one between her and Ms. Serkey on December 28th and one to Ms. Serkey on January 8th as well as a copy of the 2017 approval. Mr. Nalette noted that the original proposal had indicated that there would be no reconfiguration to the wall. He remarked that the phasing plan recently submitted included replacing the two sets of steps and a dock and noted that these were not part of the original proposal. Mr. Nalette opined that a modification to the permit should be requested to include a phasing plan and an engineered plan reflecting each phase of the work. He noted that of particular

concern was the dewatering and indicated his request for a depiction of where it will occur, how it will occur, and a contingency plan. Mr. Nalette reminded the Commission that past practice has included the removal of as much concrete as possible from the lakebed and could not recall a time when the Commission had granted approval for replacement of steps into the lakebed with similar concrete steps into the lakebed. In the past, applicants have requested and received approval to replace them with steps that recede into the land rather than protrude out into the water, according to Mr. Nalette.

MOTION: Mr. Nalette, Mr. Molinelli second, to direct the wetlands agent to request a modification based on the new scope of work and phased plan presented;

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

Prior to the vote on the preceding motion, staff questioned whether a modification was absolutely necessary. Discussion ensued. The consensus of the Commission was that if the work was limited to only what was approved as part of the 2017 written proposal relative to the work with the retaining wall and the lake wall and despite the dewatering that had already occurred, one would not be necessary. Mr. Nalette also requested that the location and height of the walls be verified. It was agreed that if any further dewatering was necessary, a modification and engineered plan should be provided.

Present on behalf of the applicant/property owner, Attorney David Torrey provided the Commission with a letter from Land Surveyor Jason Keefe regarding the elevation of the roadside wall, photographs of the concrete steps in the wall, the phasing plan sans the dewatering footnote, a diagram showing the dimensions of the structures and where the dewatering would go, and a dewatering plan.

Attorney Torrey opined that the concrete steps in the water were an integral part of the lake wall.

B. Discussion on Catch Basin Maintenance Schedule.

MOTION: Mr. Nalette, Mr. Timmeney second, to table Discussion on Catch Basin Maintenance Schedule to the next regular meeting; unanimously approved.

11. ADJOURN:

MOTION: Mr. Nalette, Mr. Timmeney second, to adjourn at 10:22PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie
Recording Clerk**