



TOWN OF WINCHESTER
INLAND WETLANDS & WATERCOURSES COMMISSION
Town of Winchester Town Hall, 338 Main Street
P. Francis Hicks Room – 2nd Floor
December 18, 2019 – 7:00PM
Regular Meeting Minutes

1. CALL TO ORDER:

Chairman Ric Nalette called the meeting to order at 7:02PM.

2. ROLL CALL:

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

3. APPROVAL OF MINUTES – November 20, 2019:

MOTION: Mr. Kiely, Ms. Hunter second, to approve the November 20, 2019 Minutes; unanimously approved.

4. AGENDA REVIEW:

The agenda was modified to add *542 East Wakefield Boulevard* as Item *B* under *Other Business*. Additionally, *Breach at Sucker Brook Dam* was added as Item *C* under *Other Business*.

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.

MOTION: Mr. Nalette, Ms. Hunter second, to open the public hearing; unanimously approved.

The legal notice for the public hearing was read into the record with it being noted as having run the requisite two times, December 4, 2019 and December 11, 2019, in the Republican American newspaper. It was noted that the certificates of mail, serving as proof that notice of this public hearing had been sent to the abutting property owners, had been received. It was noted that the Commission had been provided with copies of communications regarding the proposal from neighbor Clarice Stevens as well as the other neighbors, the Sandonatos, the Dzielaks, and the Lippincotts.

Matthew Closson appeared before the Commission regarding this application. Mr. Closson noted that the survey was updated to include additional vegetation buffers around the patio areas. Mr. Nalette noted that the engineering specifications on the pervious patio had not yet been submitted. He also noted that the proposed dimensions of the patio should be provided. Mr. Nalette questioned whether the walkways were being removed or replaced. Mr. Closson confirmed that they are being replaced with pervious pavers. Mr. Nalette requested that it be clarified on the final survey.

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

Mr. Nalette indicated that he would like an independent review of the proposal. He noted that it would be appropriate to request comments from Northwest Conservation District. Staff noted that the email from neighbor Clarice Stevens had contained her concerns regarding erosion on the site. It was noted that a visit to the site with Mr. Closson did indeed reveal evidence of some erosion. Photographs were distributed for review

by the Commission. Ms. Stevens, in her email, had suspected the roof of the garage as causing the erosion, according to Mr. Closson. He explained that the garage was constructed in 1987 according to Town records.

Mr. Closson noted that the surveyor had only included topography to about one hundred feet from the lake, explaining that he thought it only necessary to include it for the review area. He reported that while the surveyor is out of town until next month, his client would likely have topography included for the rest of the lot as the erosion may be a result of an area covered by an easement. Mr. Nalette reminded commissioners that their oversight includes stormwater management as delegated by the Planning and Zoning Commission.

Mr. Molinelli questioned whether the homeowner was willing to address the observed erosion. Mr. Closson confirmed. Mr. Nalette requested that the eroded area be stabilized and that whatever form that eventually takes be included on the plan. Mr. Closson noted that the erosion could likely be controlled with hay bales and explained that this would be most practical due to the current cold temperatures. Mr. Molinelli questioned the grade at the property. Mr. Closson confirmed that it does have somewhat of a steeper slope.

MOTION: Mr. Nalette, Mr. Kiely second, to continue the public hearing until the next regular meeting scheduled for January 15, 2020; unanimously approved.

6. OLD BUSINESS:

A. IWWC#19-39 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.

It was reported that the application had been withdrawn by the applicant as there had been an error in providing notice to the abutting property owners. It was also noted that the Commission had been provided with a new application, to be considered under New Business.

MOTION: Mr. Nalette, Ms. Hunter second, to accept the withdrawal of Application IWWC#19-39 Applicant: Dave Stricker Owner: Camp Wah-nee in the Berkshires, Inc. Location: 132 Wahnee Road; unanimously approved.

B. IWWC#19-40 Applicant/Owner: Kenneth Dutil Location: West Wakefield Boulevard Proposal: Replace Old Dock with New Dock.

Kenneth Dutil appeared before the Commission regarding this application. The drawing depicting the location of the dock and boat lift were reviewed. Mr. Nalette noted that the configuration complies with the Town's Dock and Mooring Ordinance. Mr. Molinelli questioned whether the dock was removable and what the depth of the water was in this area. Mr. Dutil confirmed that the dock was removable, noting that the depth is approximately eight feet. Mr. Nalette questioned whether any excavation is necessary for the repair. Mr. Dutil indicated that there is not.

Mr. Nalette requested that a better location map be submitted for the file, reflecting the location of the dock and the surrounding properties.

MOTION: Mr. Davenport, Ms. Krawiecki second, to approve Application IWWC#19-40 Applicant/Owner: Kenneth Dutil Location: West Wakefield Boulevard Proposal: Replace Old Dock with New Dock, 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 December 18, 2019 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;

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

C. IWWC#19-43 (Modification #18-06) Applicant/Owner: JoAnn Serkey Location: 543 East Wakefield Boulevard Proposal: Proposed Walkway (down/up), Side Deck, Paved Driveway, Discharge for Roof Leaders, Sediment Erosion Control.

Professional Engineer Rob Colabella of Laurel Engineering, accompanied by his clients JoAnn and Randy Serkey, appeared before the commission regarding this application. Mr. Nalette reminded the commission that work had been completed which was done so outside of their permit. He noted the pictures taken of the discharge of sediment from the swale after the prior weekend's rain event. Ms. Serkey reported that the washout was a product of sand that had been installed under the propane tank that had washed down through their drainage. Mr. Nalette noted that the washout is an example of why work should be permitted prior to being undertaken. He also noted the significant amount of water that is in the road in this location.

Mr. Colabella read aloud a letter addressed to Mr. and Mrs. Serkey from his staff engineer, Mike Sherman, PE, regarding the drainage as installed. The letter included Mr. Sherman's suggestions for an additional twenty-four (24") yard drain to be connected to the six-inch roof leader system. Mr. Sherman's letter also suggested minor modifications to the swale. Drainage calculations were provided with the letter, according to Mr. Colabella.

Regarding the sand that washed from the swale, Mr. Colabella noted that once it is chinked up with modified riprap, it should attenuate the water. Mr. Davenport questioned whether there should be any erosion controls installed temporarily until the retaining wall is completed. Mr. Colabella suggested that silt fencing and haybales be installed around that swale that is on the Horvay property where there is already erosion evident. Mr. Nalette suggested that Mr. Colabella work with staff on this.

The letter from Department of Public Works Director Jim Rollins dated November 20, 2019 was referenced. It was noted that he indicated that he would be monitoring the driveway for a year.

Mr. Molinelli reviewed with the applicants the work that had already been completed. They confirmed that the proposed walkway, the side deck, the paved driveway, and the discharge for roof leaders has already been done. It was noted that the retaining wall, despite it being outside of the 100' buffer area, should be added to the request.

Mr. Molinelli questioned whether the excavator that is currently located on the site is for the retaining wall. Mr. Serkey indicated that it was but noted the work would not be completed this year. Ms. Serkey indicated the remainder of the planned work would be installed in the spring.

MOTION: Mr. Nalette, Mr. Kiely second, to approve Application IWWC#19-43 (Modification #18-06) Applicant/Owner: JoAnn Serkey Location: 543 East Wakefield Boulevard Proposal: Proposed Walkway (down/up), Side Deck, Paved Driveway, Discharge for Roof Leaders, Sediment Erosion Control and Retaining Wall per plan, based on oral and written testimony and subject to the standard Inland Wetlands and Watercourses Commission twelve conditions and the following additional conditions:
13. Cash erosion and sedimentation bond totaling \$1500 to be submitted to the Inland Wetlands Office prior to the commencement of work.
14. The applicant shall return to the Commission with an application for a modification of this permit for any work that may prove to become necessary as a result of the driveway permit application pursuant to the letter from Director of Public Works Jim Rollins to Randy Serkey regarding *Stormwater Discharge onto Town Property from 543 East Wakefield Boulevard* dated November 20, 2019.
15. Grass in swale to be kept at a six-inch minimum pursuant to December 12, 2019 letter from Laurel Engineering.
16. Erosions controls to be installed before December 31, 2019;
Motion passed with Mr. Davenport, Ms. Hunter, Mr. Kiely, Ms. Krawiecki, Mr. Molinelli, Ms. Mulvey, and Mr. Nalette while Mr. Timmeney abstained.

The agenda was modified to take up Discussion of 542 East Wakefield Boulevard at this point during the meeting. 542 East Wakefield Boulevard is the lakefront parcel of land also owned by Ms. Serkey.

OTHER BUSINESS: 542 EAST WAKEFIELD BOULEVARD.

Mr. Nalette noted that complaints were made to him regarding the property across the street. Mr. Nalette questioned whether there was dewatering occurring at this site. Ms. Serkey confirmed, explaining that the contractor has to keep the area free of water when the concrete was first curing as they did not want to have water in the trench. Staff noted that this work had been permitted in 2017 for '*restore/replace existing lake wall and retaining wall from road to lake*'. The commission was provided with a copy of the original application, the sketch that was included with that application, the excerpts from the October, 2017 and November, 2017 Minutes that related to the application, and a photograph of the site showing evidence of dewatering. Mr.

Nalette noted that it appeared the contractor was dewatering directly into the lake, noting that it was not part of the permit. He requested that the pump be removed immediately. Ms. Serkey confirmed that it would be.

Mr. Serkey noted that the contractors are no longer working because of the weather. He noted that the work is done but for the stairs which would be completed in the spring. Mr. Molinelli questioned whether the stairs are above ground and whether any additional excavation was necessary. Ms. Serkey noted that there would be no more excavation. Mr. Serkey indicated that the footing is already in place. Mr. Davenport questioned whether the dewatering was on the other side of the silt fence. Mr. Serkey estimated that the discharge point was eight to ten feet from the lake.

Mr. Nalette noted that the stairs were not discussed as part of the original narrative of the application. It was noted that the previous stairs were wooden. Ms. Serkey explained that they had been over the concrete steps that had collapsed. Discussion ensued.

The meeting recessed at 8:35PM and resumed at 8:40PM.

Staff questioned whether the Serkeys might be inclined to provide a phasing plan for the work at the lakefront parcel. Additionally, it was explained that the Commission may have questions about the plans or it was suggested that the Serkeys may prefer to return at a later meeting to provide more details on the rest of the plan.

After some discussion, Ms. Serkey indicated that no other work would be completed at this property.

MOTION: Mr. Nalette, Mr. Kiely second, to table discussion of this property until the January, 2020 regular meeting;

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

More discussion ensued after the preceding motion but prior to the vote. Mr. Molinelli noted that the dewatering that occurred prompted the discussion and that the contractor should not have been dewatering. Mr. Nalette also questioned whether the wall is at its proper height and location. Mr. Serkey noted that he had an elevation and location survey of the wall prior to its replacement. It was noted that no other work at 542 East Wakefield Boulevard should occur until at least the January, 2020 meeting. Mr. and Ms. Serkey indicated that they would be unable to attend that meeting. It was noted that they may send their engineer instead.

D. IWWC#19-44 Applicant: Matthew Closson Owner: Donald Crossman and Brooke Crossman Location: 122 East Wakefield Boulevard Proposal: Install Four (4) 10" Sonotubes with Bases to Support Proposed Deck Roof.

Matthew Closson appeared before the Commission regarding this application. He noted that the impervious coverage would not be increasing as a result of installing a roof over the deck as there is already a concrete patio under the existing deck. He noted that approximately four yards of material will be removed from the site for this work. The excavation would be done by hand, according to Mr. Closson.

Mr. Molinelli questioned what would be occurring with the gutters for the new roof. Mr. Closson noted that there would be no additional gutters and suggested that the water would just sheet flow. He agreed to a suggestion of stone along the dripline of the roof.

MOTION: Mr. Kiely, Ms. Mulvey second, to approve Application IWWC#19-44 Applicant: Matthew Closson Owner: Donald Crossman and Brooke Crossman Location: 122 East Wakefield Boulevard Proposal: Install Four (4) 10" Sonotubes with Bases to Support Proposed Deck Roof and Gravel Dripline Parallel to the concrete patio, based on oral and written testimony and subject to the standard Inland Wetlands and Watercourses Commission twelve conditions; unanimously approved.

E. 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.

No business discussed.

7. NEW BUSINESS:

A. IWWC#19-46 Applicant: Laurel Engineering, LLC Owner: DeSanti Family Trust Location: 172 Tarringford Street Proposal: Septic System Repair.

Professional Engineer Rob Colabella of Laurel Engineering appeared before the Commission regarding this application. He reported that the septic system is failing and that an agent determination is being sought. He noted that the excavation will be minimal, explaining that there will be septic sand brought in.

MOTION: Mr. Nalette, Ms. Mulvey second, to refer Application IWWC#19-46 Applicant: Laurel Engineering, LLC Owner: DeSanti Family Trust Location: 172 Tarringford Street Proposal: Septic System Repair for an agent determination; 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.

Matthew Closson, accompanied by his client Feliks Viner, appeared before the Commission regarding this application. He noted that the project would be completed in three phases, with the work closest to the lake being completed first including the new patio and retaining wall. Next, according to Mr. Closson, would be the five sonotubes for the new proposed deck. The repairs to the existing dock pier and the repairs to the retaining wall would not be completed until next year, according to Mr. Closson.

Mr. Nalette requested that the limits of the regulated area be depicted on the site plan. He also requested topography be included on the entire site so that it is apparent how the water is flowing. The proposed grades should also be included on the plan. Staff questioned whether any new drainage is being installed. Mr. Closson indicated that there were no plans for any new drainage. With regards to an inquiry as to the current drainage, Mr. Closson noted that there are two four-inch drains on the property currently: one to the north side and one to the south side.

Ms. Mulvey questioned from what materials the retaining wall would be built. Mr. Closson noted that it would be stone and mortar. Mr. Nalette questioned the proposed height of the retaining wall. Mr. Closson noted that it would be four (4') feet tall. Mr. Nalette requested the engineering specification on that. He also requested the drainage calculations on the proposed work for this site. Additionally, Mr. Nalette requested that this plan also be reviewed by an independent engineer. Mr. Davenport requested that a site plan be submitted including erosion controls.

Staff questioned the jog in the lake wall. It was noted that these were steps. A request was also made that the dimensions of the dock be called out on the plan as well as its distance from the nearest property line to assure that it complies with the *Dock and Mooring Ordinance*. An additional suggestion was made that rain gardens be added by the engineer. Additionally, it was requested that the applicant provide a construction sequence.

Mr. Viner indicated that he may want to add a jet ski lift.

MOTION: Mr. Nalette, second, to accept 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; Add a Jet

Ski Lift, finding the proposed activity as significant, to schedule a public hearing for January 15, 2020 regular meeting; 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.

Dave Stricker appeared before the Commission regarding this application. It was noted that Mr. Stricker had requested the Commission to refer to the plans submitted in his previous application including:

- Zoning Location Survey Index Map Prepared for Camp Wah-nee in the Berkshires, Inc. 132 Wahnee Road Winchester, Connecticut Scale 1"=80' June 12, 2019 Prepared by Gary Giordano

Additionally, from that set, the Commission had also received Sheets 1, 2, 7, 8, and 16, drawn at a scale of 1"=20'. Also, to be considered were the site plan and sediment and erosion control plans, dated November 12, 2019 along with the Overall Subsurface Layout Plan, dated November 12, 2019. A topographic survey, prepared by Mr. Giordano, is also to be included.

Mr. Nalette received a written communication from Richard Alling which was somewhat illegible. He requested that Mr. Alling produce a legible copy for the commission. Mr. Nalette also requested that the email exchange between staff and Tom Stansfield of the Torrington Area Health District be included as part of this application.

Mr. Nalette noted that he recalls requesting a certification from the engineer that all wetlands have been flagged.

MOTION: Mr. Nalette, Mr. Molinelli second, to accept Application 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, and in the public interest, schedule a public hearing for January 15, 2020; unanimously approved.

8. AGENT ACTIONS:

A. Determinations.

None.

B. Warnings/Violations.

i. SHOW CAUSE HEARINGS:

None.

9. COMMUNICATIONS:

None.

10. Other Business.

A. Discussion of Catch Basin Maintenance Schedule.

No business discussed.

B. Breach at Sucker Brook Dam.

Mr. Molinelli suggested that this Commission ought to be part of the solution with the breach at the Sucker Brook Dam.

11. ADJOURN:

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

Respectfully submitted,

Pamela A. Colombie

Recording Clerk