



TOWN OF WINCHESTER
INLAND WETLANDS & WATERCOURSES COMMISSION
Town of Winchester Town Hall, 338 Main Street
P. Francis Hicks Room – 2nd Floor
August 21, 2019 – 7:00PM
Regular Meeting Minutes

1. CALL TO ORDER:

Chairman Ric Nalette called the meeting to order at 7:00PM.

2. ROLL CALL:

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

Mr. Nalette reported that the Commission is down one member and noted that if commissioners know any resident that is interested in serving, they should contact the Town Manager's office.

3. APPROVAL OF MINUTES – July 17, 2019:

The approval of the July 17, 2019 Minutes was put off to the next regular meeting.

4. AGENDA REVIEW:

No changes were made to the agenda.

5. OLD BUSINESS:

A. IWWC#19-16 Applicant/Owner: Edward Rapposelli Location: 726 Lake Drive Proposal: Modification of IWWC#14-33: Repair Lake Wall.

It was noted that Mr. Rapposelli had agreed to install a two-foot landscape buffer between his yard and his lake wall and had been provided with information on recommended native plants from the Connecticut Stormwater Quality Manual. The Commission was reminded that the lake wall repair does not involve a total rebuild as it is not crumbling but is instead leaning.

MOTION: Mr. Kiely, Ms. Mulvey second, to approve Application IWWC#19-16 Applicant/Owner: Edward Rapposelli Location: 726 Lake Drive Proposal: Modification of IWWC#14-33: Repair Lake Wall, based on oral and written testimony, subject to the standard Inland Wetland Commission conditions.

Conditions 1-12 are standard Inland Wetland 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 August 21, 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;
13. Cash erosion and sedimentation bond of \$500 to be submitted to the Inland Wetlands Office prior to the commencement of work
14. Applicant to provide Inland Wetlands Office with a list of plants and quantities from Table A-1 Plant List for Stormwater Ponds and Wetlands as detailed in the 2004 CT Stormwater Quality Manual to be included in the proposed two-foot buffer.

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

**B. IWWC#19-21 Applicant/Owner: Kenneth Colucci Location: 672 East Wakefield Boulevard
Proposal: Repair Existing Drainage; Replace Bituminous Walkway with Pavers.**

Matt Closson, accompanied by Professional Engineer Mike Sherman, appeared before the Commission regarding this application. Mr. Sherman reminded the Commission that while a plan had been presented at the last meeting, staff had not had a chance to review it and as a result, the application had been continued. He reviewed the review comments provided to him and his response to them. Mr. Sherman reported that while staff had questioned whether the design could be modified to avoid a direct discharge into Highland Lake to reduce the impact, a rip rap swale would not function to lessen the impact and there was no room on the site for a rain garden. He noted that his revisions to last month's plans included a modification to the leaching galleys as he added a baffle to keep floatables and to trap the oil. Mr. Sherman reported that it was sized with the groundwater recharge volume to take the paved driveway and the roof of the house and drain back as to if it were grass or woods. He noted that the point of a groundwater recharge drain is to negate the impervious area. Mr. Sherman explained that unlike a raingarden, the proposal is not sized for the water quality volume because it is just too big and there is not enough room to install one. He opined that with the baffle, more

treatment was done than existed previously. Mr. Sherman explained that the basin had originally been installed to mitigate the water that had previously flowed under Mr. Colucci's home. He noted that while the previous trench drain had clogged up the way trench drains tend to do. Under the current design, the discharge will be to the leaching galleys. Mr. Sherman noted the maintenance plan included on the plans which provide for the homeowner to inspect at least annually, explaining that if the sediment gets up to at least one foot, it will need to be cleaned. The pervious paver walk will also function to alleviate the problem, according to Mr. Sherman. The hump on the driveway that has been added may also function to solve the problem, he noted.

Mr. Kiely questioned whether the Department of Public Works has communicated their approval for the modifications to the driveway. It was confirmed that they had.

Staff suggested that the approval letter to the applicant include a reminder about the annual maintenance as advised by the engineer. Additionally, staff questioned whether the applicant had provided information on the roof drains and had confirmed that they would not be tied to the drainage system. Mr. Sherman noted that the contractor had installed stubs at the time of doing the emergency repair work. He had since had the opportunity to note the absence of roof gutters on the house and had confirmed that there were no plans to install any.

MOTION: Mr. Kiely, Ms. Hunter second, to approve IWWC#19-21 Applicant/Owner: Kenneth Colucci Location: 672 East Wakefield Boulevard Proposal: Repair Existing Drainage; Replace Bituminous Walkway with Pavers, based on oral and written testimony and subject to the standard Inland Wetland Commission conditions and the following additional conditions determined by the Inland Wetlands Commission:
13. Cash erosion and sedimentation bond of \$500 to be submitted to the Inland Wetlands Office prior to the commencement of work.
14. Applicant to be reminded through approval letter the need to perform maintenance on the system annually;
Motion passed with Mr. Davenport, Ms. Hunter, Ms. Mulvey, Ms. Krawiecki, and Mr. Kiely voting in favor while Mr. Molinelli, Mr. Nalette and Mr. Timmeney abstained.

C. IWWC#19-22 Applicant/Owner: Meniscus Realty, LLC Location: 670 East Wakefield Boulevard Proposal: Repair Existing Drainage; Replace Bituminous Walkway with Pavers.

MOTION: Ms. Mulvey, Mr. Kiely second, to approve Application IWWC#19-22 Applicant/Owner: Meniscus Realty, LLC Location: 670 East Wakefield Boulevard Proposal: Repair Existing Drainage; Replace Bituminous Walkway with Pavers, based on oral and written testimony and subject to the standard Inland Wetland Commission conditions and the following additional conditions determined by the Inland Wetlands Commission:
13. Applicant to be reminded through approval letter the need to perform maintenance on the system annually;
Motion passed with Mr. Davenport, Ms. Hunter, Ms. Mulvey, Ms. Krawiecki, and Mr. Kiely voting in favor while Mr. Molinelli, Mr. Nalette and Mr. Timmeney abstained.

D. IWWC#19-24 Applicant: Beecher Construction Services Owner: Robert J. Birney and Patricia L. Birney, Trustees Location: 408 East Wakefield Boulevard Proposal: Modify IWWC#14-29: Install Piers to Support Rear Portion of Existing Structure as Part of General Improvements; Add 8'x40' Dock; and Add 15'x24' Deck in Rear of Structure.

Mark Beecher appeared before the Commission regarding this application. He noted that more detailed drawings had been provided for the proposed dock, proposed deck and replacement of piers in the back of the structure. Staff noted that the commission had been provided with photographs of the subject site along with one provided by the applicant from a different angle. In response to an inquiry from Mr. Molinelli, Mr. Beecher confirmed that the project will require nine piers for the deck.

Mr. Nalette reminded the applicant that neither the dock nor the deck can be covered.

MOTION: Ms. Krawiecki, Mr. Davenport second, to approve Application IWWC#19-24 Applicant: Beecher Construction Services Owner: Robert J. Birney and Patricia L. Birney, Trustees Location: 408 East Wakefield Boulevard Proposal: Modify IWWC#14-29: Install Piers to Support Rear Portion of Existing Structure as Part of General Improvements; Add 8'x40' Dock; and Add 15'x24' Deck in Rear of Structure, based on oral and written testimony and subject to the standard Inland Wetland Commission conditions and the following additional conditions determined by the Inland Wetlands Commission:

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

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

7. NEW BUSINESS:

A. IWWC#19-26 Applicant: Donald P. Maillet and Virginia W. Maillet Owner: Donald P. Maillet and Virginia W. Maillet Location: West Wakefield Boulevard Proposal: Repair Twenty (20') Foot Section of Lakewall; Permit Previously Existing Dock, Float and Boat Lift.

Mark Beecher accompanied by his client, Virginia Maillet, regarding this application. Mr. Maillet noted that the wall needs to be repaired but will not include excavation. He noted that the work would be done during the drawdown. It was noted that photographs of the site had been provided by staff. It was also noted that a request was made with the applicants to update their dock registration so that all items on their water front were properly permitted. Ms. Maillet noted that she had a copy of what they had submitted for their dock, float, and boat lift registration from some time ago but that the Wetlands Office had no record of it. She noted that they have never changed the location of it since they have owned the property.

Mr. Nalette questioned whether alternatives have been considered to what was being proposed, something other than a straight wall. Mr. Beecher noted that he intends to reuse the existing rock and additional rock would only be hauled in if they fall short of rocks. Mr. Beecher confirmed that no equipment would be used and that all work would be done by hand.

Mr. Nalette suggested that the applicant may want to consult the Milone and MacBroom Best Practices for Shoreline Management to prevent further erosion of the lakebed. He also suggested the installation of a two to three foot buffer between the grassy lawn and the lake.

MOTION: Mr. Molinelli, Ms. Mulvey second, to accept Application IWWC#19-26 Applicant: Donald P. Maillet and Virginia W. Maillet Owner: Donald P. Maillet and Virginia W. Maillet Location: West Wakefield Boulevard Proposal: Repair Twenty (20') Foot Section of Lakewall; Permit Previously Existing Dock, Float and Boat Lift, find the proposed activity as not significant; unanimously approved.

B. IWWC#19-27 Applicant: Harris Daigle Owner: Harris Daigle, Revocable Trust/Bob and Jennifer Leach Location: 302 East Wakefield Boulevard Proposal: Site Improvements: Remove Vegetation including Poison Sumac, Add 10-20 Yards of Top Soil to Plant Grass; Transfer Dock Registration.

Harris Daigle appeared before the Commission regarding his recently purchased property abutting his home, explaining that he would like to remove the poison sumac that has overtaken it. Mr. Daigle noted that the property is not flat at all. He explained it is flat for ten to twenty yards in from the driveway but then rises on a steep bank up to his house. Mr. Daigle indicated that he intends to use a mini-excavator to rip out the poison sumac.

Mr. Nalette reviewed the proposed erosion control. He noted that he would like to see a second row of silt fence and possibly haybales or silt socks. Ms. Mulvey questioned the area of disturbance in the upland review area. Mr. Daigle was unsure. Mr. Davenport questioned why the proposal included an addition of top soil. Mr. Daigle reviewed how he wanted to plant grass where he could on this rocky site. Mr. Nalette requested that the applicant consider a two to three foot vegetative buffer be added. Ms. Mulvey requested that the areas of

disturbance be called out on the survey. It was noted that the survey should include existing topography and proposed topography.

MOTION: Ms. Mulvey, Mr. Timmeney second, to accept Application IWWC#19-27 Applicant: Harris Daigle Owner: Harris Daigle, Revocable Trust/Bob and Jennifer Leach Location: 302 East Wakefield Boulevard Proposal: Site Improvements: Remove Vegetation including Poison Sumac, Add 10-20 Yards of Top Soil to Plant Grass; Transfer Dock Registration, finding the proposed activity as significant and to schedule a public hearing for the next regular meeting, September 18, 2019;

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

C. IWWC#19-28 Applicant: Barbar Siani Owner: John and Peal Wey, Barbara Siani, Trustee

Location: 838 East Wakefield Boulevard Proposal: Request for Renewal of Permit IWWC#14-16.

Robertson Michaud appeared before the Commission regarding this application. He reviewed the approval granted in 2014 for the rebuild of the lake wall. He noted that the project had been approved in two phases. Phase I has already been completed, according to Mr. Michaud. It was noted that the deep drawdown will not occur this year as the Commission modified the schedule as proposed by the Highland Lake Water Level Committee.

Mr. Nalette questioned whether the existing concrete pad will remain. Mr. Michaud confirmed. Mr. Nalette questioned the conditional approval wherein it required verification that the boundary pins are not removed. Mr. Michaud reported that one had been submitted. Mr. Nalette noted that one had been provided by the homeowner but requested that one be submitted by a licensed land surveyor. Mr. Michaud suggested one be submitted both prior to Phase II and after the work of the second phase has been completed.

Mr. Michaud confirmed that the work would be done manually, that no excavation would occur with any type of machinery, and the existing vegetation along the front of the site would all remain.

MOTION: Mr. Nalette, Ms. Mulvey second, to approve Application IWWC#19-28 Applicant: Barbar Siani Owner: John and Peal Wey, Barbara Siani, Trustee Location: 838 East Wakefield Boulevard Proposal: Request for Renewal of Permit IWWC#14-16 based on oral and written testimony and subject to the standard Inland Wetland Commission conditions and the following additional conditions determined by the Inland Wetlands Commission:

13. Cash erosion and sedimentation bond of \$1,000 will be submitted to the Inland Wetlands office.
14. Verification by a licensed land surveyor to the Inland Wetlands Office that iron survey pins have not been altered after completion of the construction project. If altered, pins to be reset by Licensed Professional Land Surveyor and provide the Inland Wetland Office a letter verifying pins have been properly reinstalled.
15. No construction equipment allowed in the lakebed at any time.
16. Upon completion of work, the applicant shall set up an appointment for the Inland Wetland Agent to do a final inspection for compliance which includes:
 - a. sign off and update dock authorization form; and
 - b. returning cash bond if site is stabilized per Inland Wetland Agent.
17. Inland Wetland Agent approves E & S controls prior to construction.
18. Project to be completed during 6 foot draw down of lake.
19. No additional sand shall be added.
20. Owners and contractors will be making regular site inspections during measures will be required as well as providing maintenance of the existing soils and erosion control measures above and beyond those indicated on the drawings, in response to the heavy rains and associated runoff;

unanimously approved.

D. IWWC#19-29 Applicant: Catherine Perga Owner: Catherine Perga Revocable Trust Location: 360 East Wakefield Boulevard Proposal: Replace Existing 24'x18' Concrete Patio with Same Size Flagstone-Type Patio; Permit Buoy.

Jen Perga appeared before the Commission regarding this application. Ms. Perga explained that her mother is looking to remove the existing patio and replace it with a concrete patio with stones placed in it. It was noted that the applicant is having a survey completed. The site is almost two acres, according to Ms. Perga. She noted that the lake wall is comprised of rip rap. It was noted that while a boatlift was sought previously, one was never installed. Instead a buoy was installed, according to Ms. Perga.

MOTION: Mr. Kiely, Mrs. Hunter second, to accept Application IWWC#19-29 Applicant: Catherine Perga Owner: Catherine Perga Revocable Trust Location: 360 East Wakefield Boulevard Proposal: Replace Existing 24'x18' Concrete Patio with Same Size Flagstone-Type Patio; Permit Buoy finding the proposed activity as non-significant; unanimously approved.

E. IWWC#19-30 Applicant: Matthew Closson Owner: Bjorgvin Fridriksson Location: 407 West Wakefield Boulevard Proposal: Install Cantilever Dock, Remove Impervious Areas on Map. Install Sled with Sonotubes and Pervious Patio; Repair Wall as Necessary, Grade and Topsoil.

Matt Closson appeared before the Commission regarding this application. He explained that the proposal includes installation of a cantilever dock, the removal of impervious surface, installation of a shed, and installation of a pervious system patio. Mr. Closson reported that the shed and patio necessitated approval from the Zoning Board of Appeals. He noted that if that approval is not received, the work would simply not be completed.

Regarding the westerly side of the site, the parcel of land on the other side of the street away from the water but within the regulated upland review area, Mr. Closson noted the proposal included removing the parking area and replacing it with a grassy lawn.

The proposal also includes repairs as may become necessary to the lake wall after the work to install the dock system is completed, according to Mr. Closson. When asked about the proposed pervious pavers overlapping the lake wall cap, Mr. Closson noted that it should not have been drawn that way and noted the cap will not be removed. Mr. Nalette requested more substantial details on the proposed pervious pavers.

It was noted that while the pervious pavers as it relates to the percentage of coverage on a site is a zoning matter, Zoning Enforcement Officer Marc Melanson is going to require sign-off from a licensed profession engineer to verify that the system has been installed pursuant to the design. Mr. Nalette requested more information on the dock system. He also requested that Mr. Closson review with his client whether he would be amenable to installing a vegetative buffer between the lawn and the lake, at least in the disturbed areas.

MOTION: Mr. Kiely, Ms. Mulvey second, to accept Application IWWC#19-30 Applicant: Matthew Closson Owner: Bjorgvin Fridriksson Location: 407 West Wakefield Boulevard Proposal: Install Cantilever Dock, Remove Impervious Areas on Map. Install Sled with Sonotubes and Pervious Patio; Repair Wall as Necessary, Grade and Topsoil deeming the proposed activity as non-significant; unanimously approved.

8. AGENT ACTIONS:

A. Determinations.

None.

B. Warnings/Violations.

None.

9. COMMUNICATIONS:

None.

10. Other Business.

A. Discussion of Catch Basin Maintenance Schedule.

Mr. Kiely noted that there is \$1.8M worth of repairs to catch basins.

B. Adoption of Bylaws.

Mr. Nalette reminded the Commission that he requests the Bylaws be reviewed annually. Mr. Nalette proposed a term limit to the role of chairman to three consecutive terms. He explained that if the Commission were to approve this, it will then go to the Board of Selectmen for adoption.

MOTION: Mr. Nalette, Mr. Molinelli second, to modify Section II of the Bylaws to include a three consecutive term limit for the position of chairman; unanimously approved.

11. ADJOURN:

MOTION: Mr. Kiely, Mr. Kiely second, to adjourn at 9:41PM; unanimously approved.

Respectfully submitted,
Pamela A. Colombie
Recording Clerk