



TOWN OF WINCHESTER
INLAND WETLANDS & WATERCOURSES COMMISSION
Town of Winchester Town Hall, 338 Main Street
P. Francis Hicks Room – 2nd Floor
May 15, 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, Jackie Mulvey, Steve Molinelli and Kurt Timmeny as well as staff member, Land Use Assistant Pam Colombie.

3. APPROVAL OF MINUTES – April 17, 2019:

MOTION: Ms. Hunter, Mr. Kiely second, to approve the April 17, 2019 Minutes; unanimously approved.

4. AGENDA REVIEW:

MOTION: Mr. Nalette, Mr. Kiely second, to modify the agenda to include IWWC#19-15 Applicant/Owner: Able Sentry Limited Location: 730 Lake Drive to as Item *E* under New Business; unanimously approved.

The Commission also agreed to add Discussion of Catch Basins as Item *B* under Other Business.

5. PUBLIC HEARINGS:

i. Show Cause Hearing: Owner: Michael Goncalves and Desiree A. Goncalves Cease and Desist and Restore Order Location: 346 East Wakefield Boulevard Map: 032 Block: 105G Lot: 343-346 Violation: Excavation within Wetlands/Upland Review Area; Activity without IWWC Permits.

Neither owner was present. Staff reminded the Commission that at last month's regular meeting, Mr. Goncalves had indicated that he would be unavailable for this meeting.

MOTION: Mr. Nalette, Mr. Timmeney second, to open the continued hearing; unanimously approved.

Mr. Nalette reminded the Commission that there had been activity in a review area on this property without a permit and that the activity had been done by the neighbor. Mr. Nalette noted that he had the opportunity to visit the site and queried fellow commissioners as to whether they had, too. Many had also visited the site and agreed that there had been only minor disturbance on the left bank of the inlet.

MOTION: Mr. Nalette, Ms. Mulvey second, to close the public hearing without action; unanimously approved.

6. OLD BUSINESS:

A. IWWC#19-07 Applicant/Owner: Karen Tiernan and John F. Tiernan Location: 61 East Lake Street Proposal: Repair Existing Stone Retaining Wall. Relocate Footing Drain Discharge and Regrade and Reseed Backyard as Necessary.

It was reported that the owners have withdrawn their application.

B. IWWC#19-08 Applicant/Owner: R&M Insulation, LLC Location: 210 St. Onge Road Proposal: Cross Regulated Area to Connect to Town's Drainage System and Grade Site within Upland Review Area.

Professional Engineer Gary Capitanio of Borghesi Building accompanied by Tony Mongitore of R&M Insulation, LLC appeared before the Commission regarding this application. Mr. Capitanio reminded the Commission that there is no current building plan as his client was seeking approval to continue clearing the site so as to gain a better perspective of where he would eventually like his new building to be located on the site. He noted that the wetlands have been delineated by the surveyor. Following the last meeting, a soil scientist submitted a soil report regarding the types of wetlands soils and where those are located. Mr. Capitanio noted that pursuant to the request received, all of the abutting property owners have been identified and submitted.

Mr. Capitanio indicated that approval was being sought to continue the grading and clearing, to install silt fence, and to be permitted to grade within 25' of the delineated wetlands and to gain approval to construct a building within 50' of the wetland boundary. With regards to drainage, Mr. Capitanio explained that they intended to submit a site plan application with zero increase in runoff and to tie into the existing Town's drainage system.

Mr. Nalette questioned what would be done with the piles of earth that is currently located on the site. Mr. Mongitore noted that it will be used on site. Mr. Capitanio explained that what has been cleared to the left of the property, as you enter the site from St. Onge Road, is the limits to what would be cleared. Mr. Nalette questioned whether any material will be either brought on or brought off the site. Mr. Capitanio noted that the intention is to keep the material on the site, with possibly a little amount of export. Mr. Nalette questioned whether the property is in the flood plain. Mr. Capitanio indicated that he did not think so.

Mr. Molinelli questioned the percentage of the property that would be graded. Mr. Capitanio noted that it is about ¼ acre. It was noted that the parcel is 4.75 acres, of which 8000 square feet, or 4% of the property, are wetlands. Mr. Capitanio explained that within the regulated area, approval is being sought to grade 5520 square feet or .11 acre.

Mr. Nalette noted that the silt fence and haybales should be included on the drawings. Mr. Mongitore noted that he will likely be seeking a permit for construction in the fall or early spring.

MOTION: Mr. Kiely, Mr. Molinelli second, to approve Application IWWC#19-08 Applicant/Owner: R&M Insulation, LLC Location: 210 St. Onge Road Proposal: Cross Regulated Area to Connect to Town's Drainage System and Grade Site within Upland Review Area, based on oral and written testimony. Conditions 1-12 are standard Inland Wetland Commission Conditions and the following additional conditions determined by the Inland Wetlands Commission:

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 May 15, 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 \$3500 to be submitted to the Inland Wetlands Office prior to the commencement of work.
 14. E&S controls to consist of filter fabric backed by straw bales;

unanimously approved.

**C. IWWC#19-09 Applicant: Anthony Zacchio Owner: Anthony R. Zacchio and Carol B. Zacchio
Location: 114 Shore Drive Proposal: Repair Piers to Existing Dock, Boat Lift and Buoy.**

Anthony and Carol Zacchio appeared before the Commission regarding this application. It was noted that Mr. and Mrs. Zacchio were seeking to amend their application to add a request for a double jet ski lift to their dock. Mrs. Zacchio provided a revised drawing to the Commission. The drawing did not depict the jet ski lift. Mrs. Zacchio noted that it had not been purchased yet, so she was unsure of the dimensions. Before action was taken on the request, it was noted that the double jet ski lift would be eight (8') feet wide with a four (4') foot wide walkway to it. Mr. Nalette reminded the applicants that the double lift needs to be attached and cannot be divided by the walkway.

Mrs. Zacchio noted that the trampoline would not exceed ten (10') feet. It was noted that the applicants have almost 130' feet of lake frontage.

Mr. Nalette questioned whether there would be any excavation in the lake bed. Mrs. Zacchio confirmed that there would not be.

MOTION: Mr. Nalette, Mr. Kiley second, to approve Application IWWC#19-09 Applicant: Anthony Zacchio Owner: Anthony R. Zacchio and Carol B. Zacchio Location: 114 Shore Drive Proposal: Repair Piers to

Existing Dock, Boat Lift, Buoy, Trampoline, and Double Jet Ski lift and associated walkway, based on oral and written testimony.

Conditions 1-12 are standard Inland Wetland Commission Conditions and the following additional conditions determined by the Inland Wetlands Commission:

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 May 15, 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. Map submitted to IWWC with accurate listing of dimensions and spacing;

unanimously approved.

D. IWWC#19-10 Applicant: R.A.M. Contracting, Inc. Owner: Barbara Rissmeyer Location: 201 West Wakefield Boulevard Proposal: Dock Removal and Replacement.

It was noted that a copy of an email from the contractor had been provided indicating their request to be removed as the applicant. Additionally, a copy of an email from the owner was provided to commissioners, requesting a transfer of the application. The email accompanied a rendering of the shape of the proposed dock and the proposed location. It was noted that the owner needed to submit an application on the Commission's form. Additionally, the walkway can be four (4') feet wide as shown on their rendering but the platform at the end cannot be the eight (8') feet as depicted. It can only be a maximum of ten (10') feet.

MOTION: Ms. Hunter, Mr. Nalette second, to continue this application to the following meeting; unanimously approved.

7. NEW BUSINESS:

A. IWWC#19-11 (Modification of IWWC#18-31) Applicant: Brett Stone Owner: Northwest Investments, LLC Location: 714 West Wakefield Boulevard Proposal: Relocate Approved Dock.

Brett Stone appeared before the Commission regarding this application. He reminded them that the home at this property had been demolished and he is currently rebuilding a residence. Mr. Stone explained that he was requesting to modify his previous permit to relocate the dock to twenty-four (24') feet from the property line rather than at twelve (12') feet as had been approved.

Mr. Nalette questioned whether this was the only change. Mr. Stone confirmed.

MOTION: Mr. Nalette, Mr. Kiely second, to approve Application IWWC#19-11 (Modification of IWWC#18-31) Applicant: Brett Stone Owner: Northwest Investments, LLC Location: 714 West Wakefield Boulevard Proposal: Relocate Approved Dock walkway, based on oral and written testimony.

Conditions 1-12 are standard Inland Wetland Commission Conditions and the following additional conditions determined by the Inland Wetlands Commission:

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2. If the authorized activity is not completed within five years from the issuance date of April 17, 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;

unanimously approved.

B. IWWC#19-12 Applicant: Christopher Melillo Construction Owner: Stephen Giller Location: 160 East Wakefield Boulevard Proposal: Construct 30'x12' Deck.

Christopher Melillo appeared before the Commission regarding this application. He explained that his clients are seeking to add a deck to their home. He passed photographs of the site, showing the concrete lake wall and the two feet of stone before the lawn meets the wall. Mr. Melillo noted that the piers to be dug for the deck are about forty (40') feet from the lake.

Mr. Melillo noted that the framing will be constructed from pressure treated lumber and the decking from a composite material. In response to an inquiry of Mr. Nalette's regarding how tight the decking boards will be, Mr. Melillo confirmed that water will be able to seep through and penetrate the grass below. He noted that there are 10 sonotubes. Mr. Melillo explained that the holes for them will be dug by hand.

MOTION: Mr. Nalette, Mr. Davenport second, to refer Application IWWC#19-12 for an agent determination; Motion passed with Mr. Nalette, Mr. Davenport, Ms. Hunter, Mr. Kiely, Ms. Mulvey, Ms. Krawiecki, and Mr. Timmeney voting aye while Mr. Molinelli abstained.

C. IWWC#19-13 Applicant: Wayne S. Garrick, AIA Owner: Charles A. Mantell and Eileen S. Mantell Location: 806 East Wakefield Boulevard Proposal: Construct Second Floor Bedroom Addition Including 75 Sq Ft Second Floor Addition on Columns and Piers (Includes Reduction of Existing Impervious Surface).

Wayne Garrick appeared before the Commission regarding this application. He reported that his clients are proposing to add a second-floor bedroom addition as well as add an additional 75 square feet of living space. Mr. Garrick noted that this is a very steep site. He noted that the disturbance is limited to the excavation necessary for the four piers for the added second floor living space.

Proposed erosion controls include installation of silt fence from property line to property line. Mr. Nalette questioned the distance from the proposed addition to the lake. Mr. Garrick noted that there is sixty-five (65') feet from the area of disturbance to the lake.

Mr. Kiely questioned the viewshed. The Commission requested that a depiction of the birdseye view of the property be provided to them for the next meeting.

MOTION: Mr. Davenport, Ms. Mulvey second, to accept Application IWWC#19-13 Applicant: Wayne S. Garrick, AIA Owner: Charles A. Mantell and Eileen S. Mantell Location: 806 East Wakefield Boulevard Proposal: Construct Second Floor Bedroom Addition Including 75 Sq Ft Second Floor Addition on Columns and Piers (Includes Reduction of Existing Impervious Surface), deeming the proposed activity as not significant; unanimously approved.

D. IWWC#19-14 Applicant: Laurel Engineering, LLC Owner: 180 Rowley Street, L.L.C. Location: 55 Hurlbut Street, Lot 2B Proposal: New Single Family Residential Unit with Driveway and Garage.

Professional Engineer Mike Sherman appeared before the Commission regarding this application. He explained that his client is seeking approval for new construction of a single-family residence, at Lot 2B at 55 Hurlbut Street. Referring to the 24"x36" drawings submitted with the application, Mr. Sherman noted that the wetlands had been shaded in a dark green color. He noted the unnamed brook that flows through the parcel, explaining that it is the same brook as the one on Pratt Street that flows into the Mad River. Mr. Sherman noted the proposed location of the dwelling in the existing open field, explaining that it is proposed in that spot because they wanted to keep it as far away from the wetlands as possible. He noted that the driveway is proposed where it is because of sight line concerns. Mr. Sherman reported that the amount of grading has been kept to as little as possible. He noted that the regulated activity was shaded in an off-shade green. The stream was depicted in a double blue dashed line.

The proposed impervious surface was noted to be 9%. Mr. Nalette noted the footing drains would be daylighted and requested that they do so on a 1" crushed stone pad. With regards to the driveway, Mr. Sherman indicated that it was proposed as bituminous.

A location map was requested from Mr. Sherman ahead of next month's meeting.

MOTION: Mr. Nalette, Mr. Kiely second, to accept Application IWWC#19-14 Applicant: Laurel Engineering, LLC Owner: 180 Rowley Street, L.L.C. Location: 55 Hurlbut Street, Lot 2B Proposal: New Single Family Residential Unit with Driveway and Garage, deeming the proposed activity as not significant; unanimously approved.

E. IWWC#19-15 (Modification of IWWC#18-40) Applicant/Owner: Able Sentry Limited Location: 730 Lake Drive.

Gary Beecher appeared before the Commission regarding this application. Copies of a photograph of the compromised lake wall at this location were provided to the Commission. Noting the plan to add rip rap for this season, Mr. Nalette questioned what would follow that. Mr. Beecher explained that approval had already been granted for a lake wall repair which is scheduled for the next deep draw-down of the lake.

MOTION: Mr. Nalette, Ms. Mulvey second, to approve the modification of Application IWWC8-40; unanimously approved.

8. AGENT ACTIONS:

A. Determinations.

None.

B. Warnings/Violations.

i. 346 East Wakefield Boulevard.

It was noted that this matter had been handled earlier in the meeting.

ii. 348 East Wakefield Boulevard.

Discussion occurred regarding the second boat lift at this property that should have already been removed. Initially, the discussion was that staff should contact the property owner and remind them that it needs to be

removed. It was noted that these property owners were brought for a Show Cause Hearing after learning that they were violating the Dock and Mooring Ordinance. A decision was made in October, 2018 that the second boat lift, which currently functions as a canopy for the pontoon boat, needed to be removed.

Staff was directed to contact Attorney Kevin Nelligan so that fines would begin to be imposed.

9. COMMUNICATIONS AND BILLS:

None.

10. OTHER BUSINESS:

A. Election of Officers.

The Commission unanimously reelected Russ Davenport as Secretary, Chris Kiley as Vice Chairman, and Ric Nalette as Chairman.

B. Discussion of Catch Basins.

Reference was made to a subcommittee of this group that had been established to address the cleaning and maintenance of catch basins in town. Mr. Molinelli noted that the subcommittee had never met as the former planner had suggested the subcommittee to hold off pending the creation of a map populated with all of the Town's catch basins. Mr. Molinelli also recollected that this commission was supposed to receive a maintenance schedule for the basins.

Noting the recent dialogue with Candy Perez regarding the water quality at Highland Lake, Mr. Davenport shared his recent observations of driving around the area and noting just how much drainage flows into the lake. He noted Norcross Road as an example of a street with quite a bit of sand coming off. The Commission discussed what can be done to address the runoff from driveways and paper roads. Mr. Nalette noted that some input should be received from Attorney Nelligan regarding how far and fast this Commission can push it, such as whether the property owners of a paper road ought to be issued a Cease and Desist Order or whether it should be only the two property owners closest to East Wakefield Boulevard. Mr. Molinelli opined that a more prudent approach would be to meet with the Town Manager and advise him of the problem. Discussion ensued.

MOTION: Mr. Timmeney, Mr. Davenport second, the Commission directs the chairman to address issues of erosions on "paper roads" with the Town Manager and to schedule a discussion about the schedule of the cleaning of catching basins; unanimously approved.

11. ADJOURN:

MOTION: Mr. Molinelli, Mr. Nalette second, to adjourn at 9:52PM; unanimously approved.

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