



**TOWN OF WINCHESTER**  
**INLAND WETLANDS & WATERCOURSES COMMISSION**  
Town of Winchester Town Hall, 338 Main Street  
P. Francis Hicks Room – 2nd Floor  
April 17, 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 – March 20, 2019:**

The March 20, 2019 Minutes should be modified to note Mr. Molinelli's advisement that 348 East Wakefield Boulevard be carried forward as a noted violation until such time the owners satisfy the requirements imposed last year.

**MOTION:** Mr. Kiely, Ms. Mulvey second, to approve the March 20, 2019 Minutes as amended; Motion approved with Mr. Nalette, Mr. Davenport, Ms. Hunter, Mr. Kiely, Mr. Molinelli, Ms. Mulvey and Mr. Timmeny voting aye while Ms. Krawiecki abstained.

**4. AGENDA REVIEW:**

The agenda was modified to include 348 East Wakefield Boulevard under Violations/Warnings. Additionally, Application #19-03 was moved to the last item under Old Business.

**MOTION:** Mr. Nalette, Ms. Hunter second, to add to the agenda, under New Business, as Item C, Application IWWC#19-10, Applicant: R.A.M. Contracting, Inc. Owner: Barbara Rissmeyer Location: 201 West Wakefield Boulevard Proposal: Dock Removal and Replacement; unanimously approved.

**5. PUBLIC HEARINGS:**

None.

**6. OLD BUSINESS:**

**A. IWWC#19-04 Applicant/Owner: Richard Synnott and Elizabeth Synnott Location: 736 Lake Drive Proposal: Demolition of Existing Dwelling/Detached Garage; Build New Dwelling with Attached Garage.**

Project Engineer Tom Grimaldi of R.R. Hiltbrand Engineers & Surveyors, along with Richard Synnott and Elizabeth Synnott, appeared before the commission regarding this application. Mr. Grimaldi reminded the Commission that more information had been requested on the pump and settling basin should they become necessary during the construction process. He noted that the location across the street from the house and the detail have been added to the plans. Mr. Grimaldi distributed those updated drawings to the Commission.

Mr. Grimaldi noted that the location of the future rain garden will be used as a sediment trap during construction. He noted that a standpipe will be installed within the temporary sediment trap as a precautionary measure in the event of a heavy rainstorm during construction. Mr. Nalette questioned the grade of the driveway. Mr. Grimaldi noted it was very flat.

He noted that a water bar was included as part of the plan so that during the construction process, water will be directed into the temporary sediment trap. He also noted that check dams have been added all the way through. Mr. Grimaldi noted that the general contractor will be on site daily to ensure strict adherence to the maintenance plan.

Mr. Nalette questioned the viewshed. Mr. Grimaldi noted that the existing height is 23.4' and the proposed height will be 27.9'. Mr. Molinelli questioned how long the temporary sediment trap will be utilized. Mr. Grimaldi indicated that once the foundation is poured, the grading is done and the area is stabilized, the area will be cleaned out, the temporary sediment trap will be converted to a rain garden. In response to when the applicants expect to begin the project, Mr. Synnott indicated that it would likely not occur until after Labor Day so as to minimize the disturbance to the neighbors.

The size of the lot was noted as 55.5' along the lake and 31.76' along the road. Mr. Grimaldi noted that the proposed reduction in impervious surface is 1.8%. He noted that the area in the front of the dwelling will be converted from hard packed gravel to grass.

**MOTION:** Mr. Davenport, Mr. Molinelli second, to approve Application IWWC#19-04 Applicant/Owner: Richard Synnott and Elizabeth Synnott Location: 736 Lake Drive Proposal: Demolition of Existing Dwelling/Detached Garage; Build New Dwelling with Attached Garage, 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 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.
13. Cash erosion and sedimentation bond of \$2000 to be submitted to the Inland Wetlands Office prior to the commencement of work.

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

**B. IWWC#19-05 Applicant/Owner: Margaret Ziolkowski Location: 344 East Wakefield Boulevard Proposal: Rear Deck and Patio to Allow for Handicap Access to Rear Yard and Lake.**

Professional Engineer Mike Sherman, accompanied by Margaret Ziolkowski, appeared before the Commission regarding this application. Mr. Nalette reminded the Commission that this application had been received in response to a Cease and Desist Order. Mr. Sherman indicated that a complete survey had been completed on the parcel including topography. He noted that the property line has been determined to be over the wall rather than at the wall which will allow the applicant to address the vegetation that had been removed. Mr. Sherman noted that there are proposed shrubs called out on the plan. Mr. Sherman indicated that there is approximately three feet of land beyond the wall owned by Ms. Ziolkowski.

Regarding the area in front of the dwelling which had been converted from grassy lawn to stone, Mr. Sherman questioned whether this Commission still had concerns with it. Mr. Nalette noted that there is a difference between the Inland Wetlands and Watercourses Commission and the Planning and Zoning Commission regarding crushed stone as an impervious surface so long as it remains pervious and is protected from cars. Mr. Sherman noted that the plans include shrubs to function as a barrier.

The plantings proposed included two at the front of the driveway between the paved parking area and the home, additional plantings between the paved lot and the new crushed stone area, and five plantings at the front of the stone area near the road. Mr. Sherman explained that he had been working with his client via telephone and that when Ms. Ziolkowski had the chance to see the drawings, she had requested that some of the plantings blocking access to the stone area from the road be removed. She is of the opinion that the mailboxes would function as a barrier to cars accessing the area. Mr. Sherman noted that the shrubs he had proposed grow to a maximum height of four feet and the view from a car is 3½ feet. He noted that the shrubs will be planted at the front property line as the stone was installed in the Town's right-of-way, the road. Mr. Davenport noted that the visibility shouldn't be negatively affected from taller shrubs for this reason. Ms. Ziolkowski noted a curve in the road. Discussion ensued regarding the plantings.

The proposed modifications to the back of the property were discussed. Mr. Sherman explained that the applicant was seeking to change of the decking on the dock and replace it with Trex®. It was noted that the dock was inside the littoral boundaries and that typically, changes to a non-conforming dock would normally require that it be brought into compliance with the Dock and Mooring Ordinance. Mr. Molinelli noted that should the applicant extend the replacement of the decking on the dock, it would be merely considered maintenance. It was agreed that the proposed work by this applicant would be considered maintenance.

The new permeable paver patio was reviewed as was the new deck and proposed ramp and staircase. Ms. Ziolkowski noted that there is approximately 2" between the lip of the stone wall and the elevation of the back lawn. In response to whether the earth work in the rear of the property would be done by hand, Mr. Sherman noted that it would likely require some form of a bobcat equipment.

Mr. Nalette questioned whether the applicant would be amenable to dispersing the shrubs to within the lot and scattering them about the stone so as to ensure no parking would occur in that location. She expressed her reluctance to that.

After discussion, Ms. Ziolkowski agreed to two plants rather than the proposed five between the stone and the road, lining up with the second shrub leading into the driveway.

Timing of the construction for the patio, deck and ramp was questioned as there was concern that those workers undertaking that may be tempted to park on the crushed stone. It was noted that the area should be demarcated as 'NO PARKING' during that construction. It was agreed that silt fence or orange construction fence should be continued around the permeable area as an added protection during that time.

**MOTION:** Mr. Nalette, Mr. Kiley second, to approve Application IWWC#19-05 Applicant/Owner: Margaret Ziolkowski Location: 344 East Wakefield Boulevard Proposal: Rear Deck and Patio to Allow for Handicap Access to Rear Yard and Lake, 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 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.
13. Cash erosion and sedimentation bond of \$2000 to be submitted to the Inland Wetlands Office prior to the commencement of work.
14. The silt fence is to be extended to prevent parking on the landscaping to secure permeable stone base.

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

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

**MOTION:** Mr. Nalette, Mr. Kiely second, to continue Application IWWC#19-07 to the next regular meeting scheduled for May 15, 2019; unanimously approved.

**D. IWWC#19-03 Applicant/Owner: Kevin Steck Location: 356 East Wakefield Boulevard Proposal: Repair/Maintenance of Existing Stone Retaining Wall; Repair Broken Base in Same Footprint.**

Attorney Jim Steck appeared before the Commission regarding this application. Attorney Steck noted that a survey has been prepared for both the subject property as well as an additional parcel, owned by the applicant/owner, located across the street. He described the proposed repair work and passed around photographs of the work that includes the concrete spillway and the crack and the tops of the lake wall. Attorney Steck explained that the spillway forms a swale currently as a result of the needed repairs and that the proposal includes straightening that out.

With respect to the proposed work for the wall, Attorney Steck reported that the applicant would like to pull down what is loose and cracking and build it back up and cap it. His mason expects the work to take less than a week and to be done by hand with no machinery utilized, according to Attorney Steck. He noted that hay bales will be utilized to prevent any erosion into the lake. He also noted that the work will occur after the next drawdown, in the fall.

**MOTION:** Ms. Mulvey, second, to approve Application IWWC#19-03 Applicant/Owner: Kevin Steck Location: 356 East Wakefield Boulevard Proposal: Repair/Maintenance of Existing Stone Retaining Wall; Repair Broken Base in Same Footprint, 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 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.
  13. Cash erosion and sedimentation bond of \$2000 to be submitted to the Inland Wetlands Office prior to the commencement of work.
  14. Erosion and Sedimentation Controls to extend the entire length of the waterfront.

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

The Commission recessed from 8:18PM to 8:20PM.

## 7. NEW BUSINESS:

### **A. 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 Alan Borghesi, of Borghesi Buidling and Engineering Company, accompanied by Tony Mongitore of R&M Insulation, LLC appeared before the Commission regarding this application. Mr. Borghesi described the location and current condition of the site, noting that the lot is at the end of a cul de sac on St. Onge Road. He noted that there are approximately two acres of the 4.8-acre parcel that he considers useable.

Mr. Borghesi referred to the rendering of the site that he had marked up which depicted the locations of the wetlands and the upland review area. Mr. Borghesi reported that the site is currently what he would character as a mess with has mounds of dirt and piles of debris. He explained it will eventually be the location of at least one building, and possibly two, for Mr. Mongitore's business. He noted that the building for Mr. Mongitore would be approximately 10,000 sq. ft. building and that a second building may also be constructed. Mr. Borghesi indicated that his client had yet to determine the precise location of the building(s) and had requested that the land be leveled for clarity. He reported that he had contracted a surveyor to flag and locate both the 25' and the 50' setback to the wetlands at the site. Mr. Borghesi noted that while they have begun grading at the site, they are remaining at least 75' from the wetlands as they seek to develop a plateau for development. He reported that this preliminary grading had been run by the Planning Department and staff had agreed that this was acceptable. Mr. Borghesi noted that the intention is to install silt fence at twenty-five (25') feet from the wetlands. Within the development, he explained, a detention pond will be necessary within the review area in order to connect to the existing catch basin.

Mr. Molinelli questioned whether activity was occurring currently. Mr. Borghesi noted that there was but that the work was outside of the 75' review area. Mr. Nalette noted that the work outside of the review area does fall within the purview of this board if it can be determined that the impact beyond the review area could impact the wetlands negatively. He explained how in those circumstances, it would be within the Commission's review. Mr. Borghesi suggested that maybe the Commission would be more comfortable if the work ceases. Mr. Nalette agreed, noting that if it is not crucial to the timeline of the project, it might be a good idea.

Mr. Nalette initially indicated the application as incomplete as he found that the proposed activity had not been clearly indicated. He noted that more information was needed relative to the percentage of the lot that will be regraded. Mr. Borghesi explained that the grades at this location are so disturbed that from an engineering perspective, he could not determine the likely final grades exactly. He noted that a site plan had been created for the first building as originally planned for this area but when they visited the site, it was not evident that it would work presently. Mr. Borghesi offered that if the Commission is seeking a site plan reflecting all the grades at the location within the setback, then one reasonably close will be drafted.

Mr. Davenport questioned whether there are any erosion controls installed currently. Mr. Borghesi indicated that there was not, noting that the grade goes away from the wetlands and that the property is all stones. Mr. Nalette questioned the type of wetlands that exist at the location, recalling that it is a marshy watercourse. Mr. Borghesi indicated that there is a drainage right of way off St. Onge, with a 15" drainage pipe, that goes through the property and discharges which in his opinion, partially created the wetlands.

Mr. Nalette questioned the soil type. Mr. Borghesi indicated that a soil scientist would be retained if necessary. Mr. Nalette noted that just some finding of the soil type is adequate. Mr. Borghesi offered to have the soil scientist identify the wetlands, too. Mr. Mongitore shared a photograph on his phone of the site. A location map was also requested. Mr. Borghesi confirmed that wetlands comprise more than 10% of the site.

**MOTION:** Mr. Nalette, Mr. Kiely second, to accept 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 and that based on the information that has been provided through the time of this meeting, find the proposed activity as non-significant; unanimously approved.

**B. 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. Mr. Zacchio explained that they are seeking to repair the eight (8") inch columns holding up the dock. He noted that the footings are very large but that large chunks of concrete have fallen off them. Mr. Nalette questioned whether the work was restricted to enclosing the piers. Mr. Zacchio agreed.

Ms. Zacchio presented 1965 photographs of a second dock that had been located on the second cottage that they had purchased years ago. She explained how their current home is comprised of the two lots that had at one time previously had two cottages and two docks. Ms. Zacchio explained that the large rock that the second dock had been secured to is still in the water as is the footing in the yard. She noted that their lake frontage, between the two former lots, is one-hundred thirty (130') feet.

Mr. Nalette explained that the Dock and Mooring Ordinance postdates the photographs. He noted that at this point, there is not sufficient evidence to grandfather a second dock, explaining that the property did not have a second dock at the time that the applicants purchased it.

It was noted that the trampoline should be added to the request of the applicants.

**MOTION:** Ms. Mulvey, Mr. Timmeney second, to accept 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 and Trampoline, deeming the proposed activity as non-significant; unanimously approved.

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

Rob Michaud of R.A.M. Contracting, Inc. appeared before the Commission regarding this application. He noted that the current dock was approved in 2014, sized at 8'x40'. Mr. Michaud explained that only a 4'x12' dock was constructed. He explained that it had not been removed from the water this past winter and was destroyed by the ice. Mr. Michaud noted that his client would like to remove the former dock and replace it with a similarly sized dock but noted that they are currently unsure of whether it will be a pressure treated dock or a light aluminum dock.

Mr. Michaud reviewed a photograph on his iPad of the dock as it stood before this past winter. He sought expedited approval to remove the broken structure. Mr. Nalette questioned whether that would require any excavation of any kind. Mr. Michaud noted that it is a floating dock and merely has a couple of legs that rest on the lake bed. The consensus of the Commission was that the removal, in this instance, should be considered maintenance.

The map, or rendering of the dock size and location, that was approved in 2014 was noted as being the exact same rendering submitted with this application. The applicant was advised to supplement that with a drawing of one that shows the length of the water frontage, with the littoral boundaries depicted, and the proposed location of the new dock. Mr. Michaud questioned whether a survey is a requirement for that rendering. It was noted that the drawing need not be an A2 survey.

**MOTION:** Mr. Kiely, Ms. Mulvey second, to accept Application IWWC#19-10 Applicant: R.A.M. Contracting, Inc. Owner: Barabara Rissmeyer Location: 201 West Wakefield Boulevard Proposal: Dock Replacement deeming the proposed activity as non-significant; unanimously approved.

**8. AGENT ACTIONS:**

**A. Determinations.**

None.

**MOTION:** Mr. Nalette, Mr. Kiely second, to move to public hearing for the show cause hearings; unanimously approved.

**B. Warnings/Violations.**

**i. SHOW CAUSE HEARINGS:**

**a. Owner: Margaret Ziolkowski Cease and Desist and Restore Order Location: 344 East Wakefield Boulevard Map: 032 Block: 105G Lot: 347-348 Violation: Excavation within Upland Review Area; Activity without IWWC Permits.**

**MOTION:** Mr. Nalette, Ms. Mulvey second, that the Commission finds that the violation has been resolved with the approval of Application IWWC#19-05 and to close the public hearing without any further action; unanimously approved.

**b. 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.**

Michael Goncalves appeared before the Commission regarding this matter. Staff gave a brief review of the events leading up to this meeting, including the record reflecting that the work constituting the violation had been part of a larger project undertaken by his neighbor at 344 East Wakefield Boulevard. She noted that the violation is tied to the owner of the property which is why the Order was served upon Mr. Goncalves. She also pointed out that with the production of the updated survey for 344 East Wakefield Boulevard and contrary to what had been previously on file, a portion of the area to the south of the retaining wall and along the inlet is indeed that of Ms. Ziolkowski.

Mr. Nalette questioned what should be done to remedy the removal of the vegetation on the other side of the inlet. He requested a remediation plan for the other side of the stream. Mr. Nalette noted that the plan may be to simply do nothing and allow the plantings to simply grow back but that the Commission will need some assurance that the area is stabilized.

Discussion ensued. Mr. Davenport suggested that the same number and types of plants that were approved as a remedy for the neighboring property also be acceptable for the other side of the inlet on the property of Mr. Goncalves. Mr. Kiely referenced the photographs that he had provided of both sides of the stream. Mr. Davenport noted the five shrubs that will be installed on the other side by Ms. Ziolkowski are 18" to 24" in height. Mr. Nalette indicated that he would like to see the bank stabilized which he noted could be done with a couple of yards of mulch. Mr. Goncalves noted that the whole bank is riprap and that what grows in there does so through the riprap. Ms. Mulvey suggested that the Commission ought to look at the location and if it appears already stable, then there may be no further work necessary.

**MOTION:** Ms. Mulvey, Mr. Nalette second, to table the show cause hearing pending further investigation based on newly revealed property lines; unanimously approved.

Mr. Goncalves reported that he will be unavailable for the May 15, 2019 regular meeting.

**c. 348 East Wakefield Boulevard.**

Staff agreed to contact the owner of this property to gain an update about compliance with their approval from last year to remove the structures that were agreed upon.

**9. COMMUNICATIONS AND BILLS:**

Mr. Nalette reminded the Commission that correspondence has been received from the Town Manager's office regarding those members whose terms are expiring.

**10. OTHER BUSINESS:**

**A. Discussion with Mayor Candy Perez Regarding Water Quality at Highland Lake.**

Mayor Candy Perez, as an Ad Hoc member of this board, initiated a discussion regarding the need for educating applicants as they appear before them with proposals for development at Highland Lake. She noted that new residents at Highland Lake may fail to completely understand the potential negative impacts from cutting trees and bushes and the utilization of fertilizers for their lawn. Ms. Perez noted that they may not understand that new expansions of patios could increase the runoff of storm water.

Ms. Perez reported on the findings of Limnologist Dr. George Knoecklein after the last Secchi Disk reading. She reminded the Commission that Secchi Disks are plain black and white, circular disks used to measure water transparency or turbidity. The readings are done at the same time every year and this year's readings are the lowest that they have ever been, according to Ms. Perez.

Ms. Perez encouraged the Commission to discuss swales and rain gardens with applicants as they appear before them with proposals. She noted that Candlewood Lake requires anyone proposing to construct a concrete lake wall to install riprap in front of it to break up the waves as a means of reducing erosion. Ms. Perez noted that Candlewood Lake also requires at least a thirty-six (36") inch buffer strip between the lake wall and the lawn, patio, or house to act as a filter before storm water runs into the lake. She encouraged commissioners to view the video of Dr. Knoecklein's presentation from the summer of 2018.

Mr. Davenport questioned who drives the more stringent Wetlands Regulations of other towns. Ms. Perez noted that the Commission can already require erosion controls and can assist in educating the public as they appear before this group. Mr. Molinelli questioned the runoff and how it is tied to the cleaning of the catch basins in the area. Ms. Perez reported that the FY20 budget includes a sweeper/vacuum truck. Mr. Nalette noted that he has been requesting an annual cleaning schedule of catch basins for some time. Ms. Perez reminded Mr. Nalette that if there was no or less runoff, the cleaning wouldn't be as crucial.

Ms. Perez noted that violations can be issued for driveways that are supposed to have ten or fifteen feet of apron paved. Mr. Kiely noted that the Town does not currently have a wetlands agent.

**11. ADJOURN:**

**MOTION:** Mr. Nalette, Mr. Molinelli second, to adjourn at 10:05PM; unanimously approved.

**Respectfully submitted,**

**Pamela A. Colombie**  
**Recording Clerk**