



TOWN OF WINCHESTER
INLAND WETLANDS & WATERCOURSES COMMISSION
Town of Winchester Town Hall, 338 Main Street
P. Francis Hicks Room – 2nd Floor
February 20, 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, Jackie Mulvey, and Kurt Timmeny as well as staff member, Land Use Assistant Pam Colombie.

It was noted that Steve Molinelli was absent excused and Bob Haburey was absent.

3. APPROVAL OF MINUTES – January 16 , 2019:

MOTION: Ms. Mulvey, Mr. Kiely second, to approve the January 16, 2019 Minutes; unanimously approved.

4. AGENDA REVIEW:

No changes were made to the agenda.

5. PUBLIC HEARINGS:

A. IWWC#19-01 Applicant: Robert Geiger, Town Manager Owner: Town of Winchester Location: Lanson Drive Bridge Over the Still River Proposal: Replacement of Structurally Inadequate Multiple-Pipe Culvert with Single-Cell Reinforced Concrete Box Culvert.

The legal ad was read into the record with it being noted as having run the requisite two times in the Republican American on February 6, 2019 and February 13, 2019. The receipts for the Certificate of Mailings, evidencing that notice of this hearing was sent to the abutting property owners, were submitted.

Professional Engineer Gary Giroux of Cardinal Engineering appeared before the Commission regarding this application. Mr. Giroux reviewed the design plans for replacing the existing bridge over the Still River at Lanson Drive. He described the conditions of the existing structure, noting the misalignment of the joints and noted that the headwall was falling down. Mr. Giroux noted that the proposed new design will still not eliminate occasional flooding in that area but noted that the new 12'x9½' culvert will be a marked improvement. He noted that the concrete culvert will include 1½' of streambed materials layered into it that will allow the fish life to pass through. Mr. Giroux reminded commissioners that the bridge replacement will be completed in two phases with traffic alternated through the one open lane.

Mr. Giroux reviewed the amounts of temporary and permanent wetlands disturbance. He noted that because of the location of the work within the watershed, a permit is also being sought from the US Army Corp. of Engineers. He explained that an interagency meeting with that group and the State of Connecticut Department of Energy and Environmental Protection (DEEP) had already occurred in December, 2018. In response to inquiry from the Commission, Mr. Giroux indicated that the demolition spoils will be removed from the site and that backfill will be brought on site as needed.

Mr. Nalette questioned whether there were any long term improvements planned to improve runoff. Mr. Giroux noted that the banks of the river will be more stable and will include riprap edges. He reminded the Commission that occasional flooding can still be expected.

Mr. Kiely questioned the planned diversion of water during the construction phasing. Mr. Giroux explained the water diverting plan is designed pursuant to State of Connecticut Department of Transportation criteria for temporary diversion. He explained how the construction contractor is obligated to be mindful of weather forecasts as part of their general permit for storm water management and maintain proper sedimentation controls accordingly.

Mr. Nalette questioned whether the applicant anticipated any significant pushback from USACE or DEEP. Mr. Giroux noted that they did not, based on the previous meeting. Department of Public Works Director Jim Rollins noted that the project includes the removal of a couple of trees. He explained that as there is an endangered species of long-eared bats that roost in the area, the trees will need to be removed prior to April 1. The work would likely begin in May and finish by November, according to Mr. Rollins. In response to an inquiry regarding what measures will guarantee the timeline, Mr. Rollins explained that a penalty for failure to meet the timeline will likely be included in the contract. He also noted that the precast box culverts will be delivered to the Department of Public Works yard on Rowley Street in advance of the work.

The hearing was open to the public. No comments were received.

MOTION: Mr. Nalette, Ms. Mulvey second, to close the public hearing; unanimously approved.

The agenda was modified in order to review and consider IWWC#19-01 ahead of IWWC#19-02.

6. OLD BUSINESS:

A. IWWC#19-01 Applicant: Robert Geiger, Town Manager Owner: Town of Winchester Location: Lanson Drive Bridge Over the Still River Proposal: Replacement of Structurally Inadequate Multiple-Pipe Culvert with Single-Cell Reinforced Concrete Box Culvert.

MOTION: Mr. Nalette, Ms. Hunter second, to approve Application IWWC#19-01 Applicant: Robert Geiger, Town Manager Owner: Town of Winchester Location: Lanson Drive Bridge Over the Still River Proposal: Replacement of Structurally Inadequate Multiple-Pipe Culvert with Single-Cell Reinforced Concrete Box Culvert, 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 February 20, 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#18-38 Applicant/Owner: Frank P. Bares Location: 636 East Wakefield Boulevard Proposal: Remove Existing Wooden Retaining Wall and Rebuild with Stone; Moving Wall Back to Create More Patio Area, Install Stepping Stone Walk and Rebuild Stone Steps.

Gary Goulet appeared before the Commission regarding this application. He brought with him two samples of pavers. The smaller paver sample was from what was previously installed at the site as part of the homeowner's former patio. The second paver sample was a much larger one that includes nobs on the side of each that function to create a space between each joint as part of a pervious system. Mr. Goulet explained that the second sample is commonly used for driveways. He noted that there is no such product that is actually porous but instead can be used as part of a system to allow water to permeate the ground beneath. Mr. Goulet also presented with a design detail prepared by an engineer, Robert Green, regarding installation of a gravel base that will achieve the pervious characteristics sought thereby not increasing the impervious coverage. Mr. Goulet explained that his client would like to use the existing paver stones as a means of saving the cost of purchasing new pavers. He agreed to using plastic one-quarter (1/4") inch spacers so as to assure the necessary spacing.

MOTION: Mr. Kiely, Mr. Davenport second, to approve Application IWWC#18-38 Applicant/Owner: Frank P. Bares Location: 636 East Wakefield Boulevard Proposal: Remove Existing Wooden Retaining Wall and Rebuild with Stone; Moving Wall Back to Create More Patio Area, Install Stepping Stone Walk and Rebuild Stone Steps 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 February 20, 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 \$1,000 will be submitted to the Inland Wetlands office.
 14. Applicant agrees to one quarter (¼") inch spacers between bricks.

Unanimously approved.

C. IWWC#19-02 Applicant: Town of Winchester Public Works Owner: Town of Winchester Location: 85 Rowley Street Proposal: Remediate Violation: Vegetation Disposal in Review Area; Restore to Condition Acceptable to IWWC; and Possibly Remove Old Earthen Materials.

Mr. Rollins appeared before the Commission regarding this application. He reviewed the proposal to remove the vegetation that has been deposited into the wetlands and review area for an undetermined period of time. He reminded the Commission that he would like to remove the material that appears as if it would be feasible to do so without causing any erosion problems and further disturbance into the wetlands. Mr. Rollins explained that after speaking with the cemetery staff, he would like to install a retention structure outside of the wetlands. He noted that it would be constructed of masonry blocks and well outside of any area where erosion would be a factor.

Mr. Kiely suggested that Mr. Rollins consult with the Fire Department to coordinate the location of the retention structure, so it does not conflict where they light off their fireworks as part of their annual carnival fundraiser.

MOTION: Mr. Nalette, Ms. Mulvey second, to approve Application IWWC#19-02 Applicant: Town of Winchester Public Works Owner: Town of Winchester Location: 85 Rowley Street Proposal: Remediate Violation: Vegetation Disposal in Review Area; Restore to Condition Acceptable to IWWC; and Possibly Remove Old Earthen Materials 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 February 20, 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. Location of proposed soil containment area to be approved by the Wetlands Agent;

Unanimously approved.

7. NEW BUSINESS:

A. 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 James Steck appeared before the Commission regarding this application on behalf of the applicant/owner, his brother, Kevin Steck. Attorney Steck explained that the proposal includes fixing the stone retaining wall that borders Highland Lake. He noted that the work will include repointing the existing stone wall while the lake level is down and will not include building the wall any higher than what is currently in place. Attorney Steck shared a photograph of the wall in its current condition. Attorney Steck confirmed that no excavation is necessary with the proposed repair.

MOTION: Mr. Kiely, Mr. Nalette second, to accept 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, deeming the proposed activity as not posing a significant impact; unanimously approved.

8. AGENT ACTIONS:

A. Determinations.

None.

B. Warnings/Violations.

i. SHOW CAUSE HEARINGS:

1. Owner: Margaret Zilolkowski 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.

The Commission was provided with a copy of the email from Ms. Zilolkowski requesting that the matter be continued to a later date as wintry weather was occurring the evening of this meeting. They agreed to a continuation to the following regular meeting.

2. 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.

Staff reported that although the letter was sent via Certified Mail on February 11, 2019, the return postcard had not been received and the tracking information available on USPS indicated that the letter had not yet been claimed. The Commission agreed to a continuation to the following meeting.

MOTION: Mr. Nalette, Mr. Kiely second, to continue the Show Cause Hearings in the matter(s) of *Owner: Margaret Zilolkowski 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* and *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* to the March 20, 2019 regular meeting; unanimously approved.

9. COMMUNICATIONS:

Staff reported receiving a request from the Conservation Commission to organize an informational meeting with former Northwest Conservation District Executive Director Sean Hayden to discuss current initiatives with LID (low impact development). Mr. Hayden was receptive to the idea and indicated he would get back with potential dates. The Commission indicated a preference for a first or second Wednesday of the month.

10. Other Business.

None.

11. ADJOURN:

MOTION: Mr. Nalette, Mr. Kiely second, to adjourn at 8:24PM; unanimously approved.

Respectfully submitted,

Pamela A. Colombie
Recording Clerk