



**TOWN OF WINCHESTER**  
**INLAND WETLANDS & WATERCOURSES COMMISSION**  
Town of Winchester Town Hall, 338 Main Street  
P. Francis Hicks Room – 2nd Floor  
November 14, 2018 – 7:00PM  
Regular Meeting Minutes

**1. CALL TO ORDER:**

Vice Chairman Chris Kiely called the meeting to order at 7:00PM.

**2. ROLL CALL:**

Roll call was completed by Mr. Kiely. Present at the meeting in addition to Mr. Kiely were: Christine Hunter, Steve Molinelli, Jackie Mulvey, and Kurt Timmeny as well as staff member, Land Use Assistant Pam Colombie.

It was noted that Ric Nalette and Bob Haburey were absent excused. Russ Davenport was absent.

**3. APPROVAL OF MINUTES – October 17, 2018:**

**MOTION:** Mr. Kiely, Mr. Timmeny second, to approve the October 17, 2018 Minutes; unanimously approved.

**4. AGENDA REVIEW:**

No changes.

**5. PUBLIC HEARINGS:**

None.

**6. OLD BUSINESS:**

**A. IWWC#18-22 Applicant: John F. Sliney Owner: John F. Sliney and Christine C. Sliney Location: 308 East Wakefield Boulevard Proposal: Repair of Seawalls, Removal of Existing Dock and Install Floating Dock with 12'x3' Walkway and 6'x8' Dock and 10'x20' Deck off Rear of House.**

It was noted that Mr. Sliney was not present. The Commission agreed to delay the application to later in the meeting.

**MOTION:** Mr. Kiely, Mr. Timmeny second, to move IWWC#18-22 to the end of New Business; unanimously approved.

**B. IWWC#18-28 Applicant/Owner: Michael Simon Location: 112 Shore Drive Proposal: Dock-end Extension.**

It was noted that Mr. Simon was traveling and unable to attend this meeting. However, Mr. Simon had modified his drawings to reflect the dock-end extension that had already been installed as part of a repair project. The drawings had been distributed to commissioners just prior to this meeting.

**MOTION:** Ms. Mulvey, Mr. Molinelli second to approve Application IWWC#18-28 Applicant/Owner: Michael Simon Location: 112 Shore Drive Proposal: Dock-end Extension, 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 November 14, 2018

- 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. No cash erosion and sedimentation bond.

*Unanimously approved.*

**C. IWWC#18-28 Applicant: Alan P. Gravel Owner: Alan P. Gravel and Lorie Warner Location: 200 Perch Rock Trail Proposal: Repair Lake Wall.**

It was noted that while the applicant was traveling, he had relayed that a representative would be appearing before the Commission regarding this application. No representative was present.

**MOTION:** Mr. Kiely, Mr. Molinelli second, to table Application IWWC#18-28 to the December 19, 2018 regular meeting; unanimously approved.

**D. IWWC#18-30 Applicant/Owner: Dennis Neal and Peggy Neal Location: 676 East Wakefield Boulevard Proposal: Replace and Repair 32"x40' Dock Walkway with Pressure Treated Lumber. Aluminum Uprights to Remain.**

Neither applicant was present for the meeting. However, the Commission was reminded that there were no unresolved questions from the last meeting regarding this application.

**MOTION:** Mr. Kiely, Ms. Mulvey second, to approve Application IWWC#18-30 Applicant/Owner: Dennis Neal and Peggy Neal Location: 676 East Wakefield Boulevard Proposal: Replace and Repair 32"x40' Dock Walkway with Pressure Treated Lumber. Aluminum Uprights to Remain, 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 November 14, 2018 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. No cash erosion and sedimentation bond.

*Unanimously approved.*

**E. IWWC#18-31 Applicant: Brett Stone Owner: Northwest Investments, LLC Location: 714 West Wakefield Boulevard Proposal: Demolish Existing House and Rebuild Same Footprint and Size.**

Brett Stone, accompanied by his office manager Deseree, appeared before the Commission regarding this application. He reminded the Commission that the proposal includes demolition of the current house and construction of a new one, better positioning it towards the center of the lot.

Mr. Kiely questioned the applicant's plans for the debris and spoils. Mr. Stone indicated that plans include the utilization of dumpsters to haul the debris off site. Mr. Stone noted that he plans to install the foundation prior to Spring. It was noted that the dock specs had been submitted as more information on this was sought at last month's meeting. The dock will be 4'x28', according to Mr. Stone. It was confirmed that the dock will remain at a distance of twelve (12') feet off from the closest neighbor.

**MOTION:** Ms. Mulvey, Mr. Kiely second, to approve Application IWWC#18-31 Applicant: Brett Stone Owner: Northwest Investments, LLC Location: 714 West Wakefield Boulevard Proposal: Demo Existing House and Rebuild. Install New Dock, 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 November 14, 2018 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 \$1,500 will be submitted to the Inland Wetlands office.

*Unanimously approved.*

## **7. NEW BUSINESS:**

### **A. IWWC#18-32 (Modification of IWWC #14-30) Applicant/Owner: Winsted Medical Associates, LLC Location: 70-84 Main Street Proposal: Modify Previously Approved Site Plan to Allow Disturbance within Upland Review Area.**

Landscape Architect Phil Doyle, Principal of LADA, P.C., accompanied by Professional Engineer Mike Sherman of Laurel Engineering and Soil Scientist Kate Bednaz of Freshwater Wetland Services, appeared before the Commission regarding this application. Mr. Doyle reminded the Commission that this application is for modifications to plans for a medical office building, a project that has a current approval received in 2015. He explained that the applicants also have an application before the Planning and Zoning Commission to amend that permit, too, as there are changes on site to add a helipad to the back of the site. Mr. Doyle reminded the Commission that a portion of the rain garden had previously been in that area. He explained that the location of the storm water detention basin has also been adjusted. Another technique for stormwater management being employed is the use of pervious pavement. He noted that there will be more fill as part of this revised plan resulting in about 12,000 square feet of disturbance in the upland review area, up from the 10,000 square feet of disturbance approved in 2015. Mr. Doyle reviewed the plans of the site work, noting that the plans are to begin construction in April, 2019. Mr. Doyle noted that their structural soils engineer Clarence Welte will be on site during the construction of the retaining wall.

**MOTION:** Mr. Molinelli, Ms. Mulvey second, to approve Application IWWC#18-32, a modification of Application IWWC #14-30, Applicant/Owner: Winsted Medical Associates, LLC Location: 70-84 Main Street Proposal: Modify Previously Approved Site Plan to Allow Disturbance within Upland Review Area and to extend said permit IWWC#14-30, 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 November 14, 2018 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 \$136,000 to be submitted to the Inland Wetlands office before construction begins.
14. Northeast Consulting, or an alternative engineering firm designated by this Commission, shall meet as the Town inspector for the E&S portion of the project and report progress of project to the Inland Wetlands agent weekly or as needed. Owners will provide funds to the Town to pay the Town consultant as part of this approval.
15. Inland Wetlands Agent to approve E&S controls prior to construction.
16. Owners and contractors shall make periodic site visits and monitor whether or not additional measures are required to provide maintenance of the existing soils and erosion control measures. Owners and contractors will implement additional soil stabilization and erosion control measures, above and beyond those indicated on the drawings, in response to forecasted heavy rains and associated runoff.

*Unanimously approved.*

**B. IWWC#18-34 (Modification of IWWC#17-04) Applicant: Coldfire Mechanical Owner: One Hundred Seventy Eight Shore Drive Location: 178 Shore Drive Proposal: Construct 13'3" x 25' 7" Roof Over Existing Deck.**

Michael Ruzbasan of Coldfire Mechanical, accompanied by partner Dan Alves, appeared before the Commission regarding this application. Mr. Ruzbasan explained that the proposal was to install a roof over an existing deck. The Commission was reminded that an approval had been received previously to enclose the existing deck and convert it into living space. This modified application proposed to construct a roof over the existing deck but the roof would be extended down to the very end of the deck. It was noted that there are no modifications proposed to the existing deck. Mr. Alves confirmed that there was no excavation proposed in the rear yard, lake-side of the property. It was noted that the current existing gravel parking area will be replaced with pervious pavers. Commissioners were advised that the applicants also have an application before the Zoning Board of Appeals to modify the existing Special Permit.

**MOTION:** Mr. Kiely, Mr. Timmeney second, to approve Application IWWC#18-34, a modification of Permit IWWC#17-04, Applicant: Coldfire Mechanical Owner: One Hundred Seventy Eight Shore Drive Location: 178 Shore Drive Proposal: Construct 13'3" x 25' 7" Roof Over Existing Deck, 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 November 14, 2018 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 \$1,500 will be submitted to the Inland Wetlands office.

*Unanimously approved.*

**C. IWWC#18-35 (Modification of IWWC#15-21) Applicant/Owner: Keith Becker and Nancy Becker  
Location: 523 East Wakefield Boulevard Proposal: 25'x4' Floating Dock Attached to 8'x15' Concrete  
Poured Cap.**

Keith Becker, accompanied by his contractor Nick Mancini, appeared before the Commission, regarding this application. Nancy Becker was also present. Mr. Becker explained that his proposal was to extend the lake wall and cap platform with a 25' floating dock attached to that. Reviewing the survey that was submitted with the application, Mr. Kiely questioned who had the rights to the right of way. Mr. Becker noted that he and his wife do and possibly the neighbor.

A copy of the stipulated judgment between Mr. Becker and a neighbor regarding this waterfront/right of way had been provided to commissioners by staff. Mr. Becker explained that he has had problems with his neighbor for twelve years and maintained that he has had his boat on a mooring in this area for the same period of time.

Discussion ensued regarding the history of disagreement with the neighbor relative to the right of way with Mr. Becker noting that the precise ownership of the right of way leading to the water is unknown. Mr. Becker was advised that the survey submitted as part of this application was not that of his property, but instead that of the Wheelers Point Association. It was noted that the owner of the property in a proposal has to sign the application. Staff noted that a survey depicting the right of way and identifying the owner of the right of way should be secured. Mr. and Mrs. Becker explained that they are not proposing to install the concrete pad in the right of way but instead in the lake bed over the stones there.

It was agreed that the town's attorney Kevin Nelligan should review the application and advise whether the stipulated judgement and/or the proposal to install a concrete poured cap in the lake bed would bar the commission from granting approval.

**MOTION:** Ms. Mulvey, Mr. Timmeney second, to accept Application #18-35, with the applicants providing an A2 survey showing the ownership of the right of way or a letter from Licensed Land Surveyor John DiCara that he is unable to determine ownership of the right of way, and to schedule a public hearing for the next regular meeting scheduled for December 19, 2018, finding there to be public interest; unanimously approved.

**D. IWWC#18-36 Applicant/Owner: First Bay Holdings Location: 228 East Lake Street Proposal: Install Above-Ground Fuel Tank; Install a Deck Over Existing Concrete and Ground; and Reinstall Retaining Wall for Flood Control.**

Jordan Moore of First Bay Holdings appeared before the Commission regarding this application. He explained that the first part of their proposal was to reinstall a retaining wall as they had removed part of it during the removal of the underground fuel tank. He noted they had been advised by Department of Public Works Director Jim Rollins that it was necessary to replace it as it functions as part of the flood control. A cut sheet of how the wall will be installed was included in the application.

Additionally, Mr. Moore explained that the proposal includes covering the entire area on their waterfront property, currently comprised of concrete and a gravelly base, with pressure treated lumber decking. Mr. Kiely questioned whether any sonotubes will be necessary as part of this proposal. Mr. Moore indicated that there would not be and that it would just lay on top of the concrete and the retaining wall that is there. Mr. Molinelli questioned whether the decking would be confined to the land or if any of it would hang out over the water. Mr. Moore noted that it would be confined to the land. He explained that they want a smooth surface and that while they had considered pouring concrete over the entire surface, they have opted for the decking.

Mr. Moore reviewed their proposal for the fuel tank. He noted that it would be a double vaulted tank, similar to that of the DPW's located on Rowley Street but in a smaller scale. The size of the tank would be 2000 gallons or less and would allow boaters to pull up for refueling, he explained.

It was noted by staff that the applicant had appeared before the Planning and Zoning Commission for an informal conversation the evening prior to gain an understanding of what they would like to see in terms of a site plan. That group had requested an updated site plan of the applicants' property across the street known as 178 East Lake Street, too, as part of the marina use. Whether or not the docks should be called out on the survey that was submitted was discussed. Mr. Moore noted that what was there previously, 40 slips, will be installed again, in the location that they were previously. Ms. Mulvey questioned whether there are 40 slips now and whether there would be new ones installed. Mr. Moore confirmed that they would be putting in new ones. He explained that there is currently 22 and that they will be installing 18. Mr. Kiely questioned the timeframe. Mr. Moore explained that they intend to have 40 out there this spring. Ms. Mulvey noted that she would like to see the abutting properties called out on the survey. It was agreed that Attorney Nelligan would be contacted to gain clarity as to whether the provision of the Dock and Mooring Ordinance regarding littoral boundaries applies to the marina's docks.

The dimensions of the concrete pad should be called out on the survey. The fuel pump should be, too.

In discussing the operation of the fuel dispensing, Mr. Moore explained that only the owners or trained employees would be handling the pump and the customers would not. Mr. Moore was also questioned about the need for fire suppression. He noted that there is a fire hydrant approximately thirty (30') feet away. Mr. Moore noted that he has begun conversations with Fire Marshal Steve Williams.

**MOTION:** Mr. Kiely, Mr. Timmeney second, to accept IWWC#18-36 Applicant/Owner: First Bay Holdings Location: 228 East Lake Street Proposal: Install Above-Ground Fuel Tank; Install a Deck Over Existing Concrete and Ground; and Reinstall Retaining Wall for Flood Control, deeming it a significant activity; unanimously approved.

It was agreed earlier in the meeting to take up the following application after New Business.

**OLD BUSINESS: IWWC#18-22 Applicant: John F. Sliney Owner: John F. Sliney and Christine C. Sliney Location: 308 East Wakefield Boulevard Proposal: Repair of Seawalls, Removal of Existing Dock and Install Floating Dock with 12'x3' Walkway and 6'x8' Dock and 10'x20' Deck off Rear of House.**

It was noted that without Mr. Sliney being present to review his proposal and not having the information that had been previously requested, the commission did not have a request to continue the application and was unable to approve the request with the information provided.

**MOTION:** Mr. Kiely, Ms. Hunter second, to deny Application IWWC#18-22 Applicant: John F. Sliney Owner: John F. Sliney and Christine C. Sliney Location: 308 East Wakefield Boulevard Proposal: Repair of Seawalls, Removal of Existing Dock and Install Floating Dock with 12'x3' Walkway and 6'x8' Dock and 10'x20' Deck off Rear of House, without prejudice; unanimously approved.

**8. AGENT ACTIONS:**

**A. Determinations.**

None.

**B. Warnings/Violations.**

**i. Tarringford Street.**

It was noted that the matter is with Attorney Nelligan and that he is filing a complaint in Superior Court soon.

**ii. 257 Colebrook Road.**

Charles Morinere, owner of the subject property, was present and questioned his warning/violation. He maintained that he has made no modifications to the property. It was noted that he had been observed cutting in a second driveway within the upland review area. Mr. Morinere indicated that he was simply cleaning up what had been previously installed and had been advised verbally by the former wetlands agent that no application was necessary at the time. Mr. Kiely reported having visited the site and observing erosion in the work area with sediment washing towards the river. Mr. Kiely questioned whether silt fence has been installed. Mr. Morinere confirmed but noted that he occasionally takes it down to access his tractor which is parked behind it.

Mr. Morinere reported having contacted thirty land surveyors to contract a survey and none were willing to complete one. Mr. Kiley explained that it is a sensitive area and that it needs to be protected.

Discussion ensued as to what is required for this property to not be in violation. It was noted that no additional work should occur until there is an approval from this group, received after an application has been received with an accompanying survey that includes existing topography, proposed grade cuts, watercourses and wetlands and upland review area.

**iii. 348 East Wakefield Boulevard.**

The canopy at this location should have been removed by this meeting in order for this property to not be in Violation. It was noted that it may have been but has not been verified yet.

**8. COMMUNICATIONS AND BILLS:**

None.

**9. OTHER BUSINESS:**

**A. Sewer Basin Clean-up Schedule.**

It was noted that the GIS has been updated with catch basins and a report will be provided at the next regular meeting.

**10. ADJOURN:**

**MOTION:** Ms. Mulvey, Ms. Hunter second, to adjourn at 9:35PM; unanimously approved.

Respectfully submitted,

Pamela A. Colombie  
Recording Clerk