



**TOWN OF WINCHESTER**  
**INLAND WETLANDS & WATERCOURSES COMMISSION**  
Town of Winchester Town Hall, 338 Main Street  
P. Francis Hicks Room – 2nd Floor  
April 25, 2018 – 7:00PM  
Special Meeting Minutes

**1. CALL TO ORDER:**

Chairman Ric Nalette called the meeting to order at 7:01PM.

**2. ROLL CALL:**

Roll call was completed by Mr. Nalette. Present at the meeting in addition to Mr. Nalette were: Russ Davenport, Bob Haburey, Chris Kiely, Steve Molinelli, Jackie Mulvey and Kurt Timmeney as well as Town Planner/Wetlands Agent Steve Sadlowski.

It was noted that Gene Berlinski was absent.

**3. APPROVAL OF MINUTES – March 21, 2018:**

**MOTION:** Mr. Nalette, Mr. Kiely, second, to approve the March 21, 2018 Minutes; unanimously approved

**4. AGENDA REVIEW:**

No changes were made to the agenda.

**5. PUBLIC HEARINGS:**

**A. IWWC #18-03 Applicant/Owner: Edinburgh Properties Location: 302 East Wakefield Boulevard Proposal: Pressure-Treated Wood 6'x25' Dock.**

**MOTION:** Mr. Kiely, Mr. Haburey second, to open the public hearing in the matter of Application #18-03 Applicant/Owner: Edinburgh Properties Location: 302 East Wakefield Boulevard Proposal: Pressure-Treated Wood 6'x25' Dock; unanimously approved.

No representative for the applicant present.

Mr. Sadlowski had distributed his staff comments regarding the application after having received an email from the applicant questioning the legalities of the various docks, lifts and floats of his neighbors. The applicant's authorized representative, Peter Kores, had provided a recent aerial view of the site. These various items were described. Mr. Sadlowski was directed to review these items of the neighbors in a timely manner.

Bob Leach of 348 East Wakefield Boulevard spoke in opposition of the application. He referenced two 24"x36" hand drawn renderings of different interpretations of the cove method as he Mr. Leach also detailed a history of exchanges between the applicant's authorized representative, Mr. Kores, and himself over the years. With respect to his own property, Mr. Leach noted that he has over 150' of water frontage and that the moorings that are at his property were there when he purchased the home. He noted that one of his boat lifts is not operable and merely has a canopy to cover a boat. He noted that he had previously conferred with the former wetlands agent, Scott Eisenlohr, who had indicated that a boat lift and a jet ski lift were okay. Mr. Leach noted that should Mr. Kores install a dock, he would lose the use of one of his moorings. Mr. Leach made reference to his own property value and the taxes he pays as compared to the value of the applicant's lot and the taxes that

he pays. It was explained to Mr. Leach that the Commission does not consider that information when reviewing a wetlands application. Mr. Leach presented a copy of the real estate listing providing evidence that the subject site is for sale. He noted that it his trampoline tied to his mooring in Mr. Kores real estate ad.

Jennifer Leach of 348 East Wakefield Boulevard spoke in opposition of the application, commenting on the cove method generally and noting that it would be beneficial if this Commission had some clear guidelines over where the littoral boundaries should fall. She reminded the Commission that the last public hearing had concluded with the understanding that Mr. Kores would obtain an A2 survey and be in contact with the neighbors with the hopes of reaching a compromise. She noted that Mr. Kores has done neither.

Gary Kopler of 364 Norwood Road spoke in opposition of the application, expressing his concern with who might ultimately be using the proposed dock as it is unclear who will be purchasing this parcel. He, too, reminded the Commission that Mr. Kores was supposed to obtain an A2 survey. Mr. Kopler indicated that the moorings have been at this location since before he purchased his own home in 1980.

Commissioners questioned whether a survey had been done on the neighboring Daigle property. Mr. Sadlowski confirmed that local land surveyor John DiCara had been into the office and spoke about this site but that no survey has been submitted. The general consensus of the Commission was that it would be difficult to make a determination without a survey.

Littoral boundaries and how they might be affected when determining them with a cove method was discussed.

**MOTION:** Mr. Molinelli, Mr. Kiely second, to continue the public hearing to the next regular meeting; Motion failed with Mr. Molinelli and Mr. Haburey voting aye while Mr. Davenport, Mr. Kiely, Ms. Mulvey, Mr. Nalette, and Mr. Timmeney opposed.

**MOTION:** Mr. Kiely, Ms. Mulvey second, to close the public hearing; Motion passed with Mr. Davenport, Mr. Kiely, Ms. Mulvey, Mr. Nalette, and Mr. Timmeney voting aye while Mr. Haburey and Mr. Molinelli opposed. to close the public hearing

## **6. OLD BUSINESS:**

### **A. IWWC #18-03 Applicant/Owner: Edinburgh Properties Location: 302 East Wakefield Boulevard Proposal: Pressure-Treated Wood 6'x25' Dock.**

Ms. Mulvey opined that a dock at this location would be unsafe.

**MOTION:** Mr. Davenport, Ms. Mulvey second, to deny Application #18-03 regarding 302 East Wakefield Boulevard for a 6'x25' Pressure-Treated Wood Dock as the Board had requested an A2 survey which has not been completed and therefore the Board does not have enough information to move ahead; unanimously approved.

### **B. IWWC #18-06 Applicant: Randall Serkey Owner: JoAnn Serkey Location: 543 East Wakefield Boulevard Proposal: Repair/Replace Crumbling Foundation Under Existing Coverage.**

Mr. and Mrs. Randall and JoAnn Serkey appeared before the Commission regarding this application. Ms. Serkey explained that after recently purchasing this cottage, it was determined that the foundation underneath would need to be replaced. It was noted that the size of the footprint would remain unchanged. Ms. Serkey indicated that the site is very wet and there will be some type of diversion plan for the water that flows down onto the site from the area of land behind.

Ms. Serkey confirmed that the spoils from the site will be removed. She also noted that silt fence has already been installed.

Mr. Sadlowski confirmed that the site is challenging as water is flowing down on both sides of the home. Mr. Nalette noted that the final map should show the location of the footing drains and be reviewed by the wetlands agent.

**MOTION:** Ms. Mulvey, Mr. Berlinski second, to approve Application IWWC#18-06 – Repair/Replace Crumbling Foundation Under Existing Coverage. Location: 543 East Wakefield Boulevard Owner: JoAnn Serkey Applicant: Randall Serkey, 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 25, 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 \$500.00 will be submitted to the Inland Wetlands office.

*Unanimously approved.*

**B. IWWC #18-07 Applicant: Vittorio Castro Owner: Vittorio Castro and Iwona Castro Location: 203 East Lake Street Proposal: Two 30'x5' Docks, 1 Buoy, One 10'x10' Swim Float.**

Neither the applicant or a designated representative appeared before the Commission regarding this application.

Mr. Sadlowski reminded commissioners that the application is for two 30'x5' docks and a swim float. Mr. Nalette questioned whether the applicant had enough frontage for two 30'x5' docks, a buoy and a swim float. Mr. Sadlowski confirmed. Mr. Nalette questioned whether these items might present a navigational hazard at all. Mr. Kiely and Mr. Sadlowski indicated that it would not. Mr. Nalette questioned whether there was anything requested of the applicant that had not been received. Mr. Sadlowski indicated that there was not.

**MOTION:** Mr. Davenport, Mr. Kiely second, to approve Application IWWC #18-07, Two 30'x5' Docks, 1 Buoy, One 10'x10' Swim Float Location: 203 East Lake Street Applicant: Vittorio Castro Owner: Vittorio Castro and Iwona Castro, 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 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 25, 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.

*Unanimously approved.*

**C. IWWC #18-08 Applicant/Owner: Katherine Olivia Dykman Location: 153 Smith Hill Road  
Proposal: Subsurface Sewage Disposal Repair.**

Neither the applicant or a designated representative appeared before the Commission regarding this application.

Mr. Sadlowski reminded commissioners that the application is for a septic system repair/replacement. He noted that the plan was very straight-forward. Mr. Nalette questioned whether Torrington Area Health District had signed off on this application. Mr. Sadlowski indicated that he believed they had.

The Commission reviewed the plans. Mr. Sadlowski noted that there is a watercourse at this location but that the proposed work is not that close to it and that it slopes down toward the work.

**MOTION:** Ms. Mulvey, Mr. Davenport second, to approve Application IWWC #18-08 Subsurface Sewage Disposal Repair Location: 153 Smith Hill Road Applicant/Owner: Katherine Olivia Dykman, 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 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 25, 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 \$1,000.00 will be submitted to the Inland Wetlands office.

*Unanimously approved.*

## **8. AGENT ACTIONS:**

### **A. Determinations.**

None.

### **B. Warnings/Violations.**

#### **i. 103 Colebrook River Road.**

Mr. Sadlowski reported that he had received a complaint regarding a shed constructed at 103 Colebrook River Road within the regulated area but had reviewed the site, finding that the gazebo and platform have been there for a very long time.

Additionally, Mr. Sadlowski noted that he had received a complaint about a dock on Shore Drive who had enlarged the end of his dock. Mr. Sadlowski noted that he had spoken to the homeowner who had indicated that he would file an application and be at the next meeting to remedy this.

Mr. Nalette reminded Mr. Sadlowski that as a result of the application at 302 East Wakefield Boulevard, it appears that there are several violations that need to be addressed including site stabilization at the property of Mr. Kores.

## **9. COMMUNICATIONS AND BILLS:**

None.

## **10. OTHER BUSINESS:**

None.

**11. ADJOURN:**

**MOTION:** Mr. Nalette, Mr. Kiely second, to adjourn at 8:30PM; unanimously approved.

**Respectfully submitted,**

**Pamela A. Colombie  
Recording Clerk**