



TOWN OF WINCHESTER
INLAND WETLANDS & WATERCOURSES COMMISSION
Town of Winchester Town Hall, 338 Main Street
P. Francis Hicks Room – 2nd Floor
March 21, 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: Gene Berlinski, Matt Closson, Russ Davenport, Bob Haburey, Steve Molinelli, Jackie Mulvey and Kurt Timmeney as well as Town Planner/Wetlands Agent Steve Sadlowski.

It was noted that Ric Nalette were absent excused.

3. APPROVAL OF MINUTES – February 21, 2018:

MOTION: Ms. Mulvey, Mr. Berlinski second, to approve the February 21, 2018 Minutes; Motion passed with Mr. Kiely, Mr. Berlinski, Mr. Closson, Mr. Davenport, Mr. Haburey, Ms. Mulvey and Mr. Timmeney voting aye while Mr. Molinelli abstained.

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. Berlinski 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.

The legal ad noticing the public hearing was read into the record with it noted as having been published the requisite two times, on March 7, 2018 and March 14, 2018. Additionally, it was noted that the receipts for certificate of mailings had been received from the applicant.

Peter Kores appeared before the Commission on behalf of the applicant, Edinburgh Properties. He presented a rendering depicting boundaries, explaining that it had been prepared after consultation with local professional land surveyors from Peter Keefe and Dufour Surveyors, using the pie method as recommended in the books, *Clark on Surveying and Boundaries* and *Water Boundaries* authored by George Cole.

Mr. Kores noted that using this method, there appeared to be several encroachments by property owners in this area.

Mr. Molinelli observed that the cove method presented for establishing the littoral boundaries by Mr. Kores is very different than what this Commission has historically used. Mr. Molinelli referred to the diagram indicated in staff review comments from Mr. Sadlowski. The method depicted in that handout was generated from a court case in New Haven, according to Mr. Sadlowski. Mr. Kores observed that if the method presented by Mr. Sadlowski were to be used, the only property that would have rights to the center of the right of way would be that of the Leach's and Mr. Daigle would lose both of his docks. Mr. Molinelli explained that other people are grandfathered but that applicants now would be subject to the method

as described in the staff comments. Mr. Kores questioned whether that method was indeed what has historically been used. Mr. Sadlowski indicated that he was unsure what historically has been used.

Mr. Kores explained that he found no permits or applications in his research of the public record for neither the Leach property nor the Daigle property.

Mr. Haburey questioned whether fellow commissioners could recall what method was utilized a couple of years ago for the application in Third Bay at Highland Lake. His recollection was that the neighboring property owners had resolved the matter themselves. Mr. Berlinski believed that the shoreline was utilized in that determination.

Mr. Closson reminded Mr. Kores about the request made during last month's meeting for an A2 survey depicting littoral boundaries. Mr. Kores indicated that he had spoken to three surveyors and that none were interested in the work. Mr. Davenport questioned whether the applicant would be amenable to shortening the length of the proposed dock. Mr. Molinelli questioned whether the applicant would also consider narrowing the width of the proposed dock. Mr. Kores agreed.

The hearing was open to the public for comment.

Bob Leach of 348 East Wakefield Boulevard shared his concerns through a hand sketch of the site which he noted had been drawn to a 1"=3' scale. Using manipulatives, Mr. Leach presented different scenarios with the applicant's proposed 6'x25' dock relative to his mooring, boat lift, and jet ski lift. Mr. Leach indicated that he is not opposed to relocating some of these items in order to allow some type of dock for the applicant but noted that he has not had the opportunity to consult with him yet. He noted a scenario that might work in installing a sixteen-foot dock.

Gary Kopler of 364 Norwood Road spoke in opposition of the application, noting that the property is owned by a limited liability company and questioned whether the property would now be opened as a type of public swim hole for charities.

Jennifer Leach of 348 East Wakefield Boulevard also questioned the use of the dock and who would be using it.

Harris Daigle of 304 East Wakefield Boulevard indicated that he did not object to a twelve (12') foot dock.

Mr. Kores noted that he has anchored a twenty-two-foot boat at this location for years and never had problems getting the boat in and out of the spot. He pointed to marinas in much more congested areas such as Greenport where the slips are only two feet wider than the ships that port there. Mr. Kores indicated that the people at this location would be family and would maintain the property respectfully.

Mr. Molinelli questioned the time frame. Mr. Kores reported that he would like to install this immediately. He also indicated that Mr. Leach's proposal of twelve feet might be slightly shy of his needs and opined that a sixteen-foot long dock would likely meet his needs. He also noted that a width of four feet might be acceptable.

Mr. Leach readdressed the Commission, noting that at a length of twelve feet would already necessitate the move of his mooring. He also requested a survey of the location.

Mr. Daigle readdressed the Commission, opining that a dock of four feet would be too narrow and that the applicant would be better served with the width of six feet. He, too, preferred a length of twelve feet.

Mr. Haburey suggested that the applicant meet with a surveyor to plot out the three or four different suggested scenarios discussed. It was noted that all of the neighbors' docks, moorings, lifts, etc. should be included on this survey. It was requested that the survey be received the Friday prior to the next regular meeting in order to allow commissioners to visit the site prior to the April 18, 2018 regular meeting.

MOTION: Mr. Molinelli, Ms. Mulvey second, to continue the public hearing to the next regular meeting; unanimously approved.

6. OLD BUSINESS:

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

No business discussed as the public hearing was continued to the next regular meeting.

Mr. Closson recused himself as a sitting commissioner. He then moved to the applicant's table.

B. IWWC #18-05 Applicant/Owner: Steve Valigorsky Location: 205 West Wakefield Boulevard Proposal: Renew Expired Wetlands Permit and Construct Previously Approved Boathouse.

Mr. Closson reminded the Commission that he is the contractor for the proposed project. Accompanied by his clients Steve and Gayle Valigorsky, Mr. Closson addressed concerns expressed in written comments from Mr. Sadlowski provided after last month's meeting.

Mr. Closson addressed the retaining wall extending onto the Town's property for which an easement was needed and subsequently approved, evidenced by minutes of the Board of Selectmen back in 2009. However, the easement was never executed nor recorded properly on the Land Records of the Town Clerk. Mr. Closson reported that it currently is with Town Attorney Kevin Nelligan and should be received soon.

Secondly, Mr. Closson addressed a condition that was included as part of a previous approval requiring a lake-friendly vegetative buffer. Mr. Closson presented pictures taken during the winter showing a snow-covered area but noted that it is typically mulched and contains flowers. He noted that the bond for the wall work had previously been returned. Mr. Sadlowski could not confirm that noting that he did not see this in his review of his files.

Thirdly, Mr. Closson referenced an area of 160 square feet of impervious surface that had been added subsequent to the wetlands approval wherein a condition had been included that there should be no increase in impervious surface. Mr. Closson reported that his clients would therefore like to modify this application to include the removal of this impervious area as noted in the shaded area in the copy of the survey submitted at this meeting. Mr. Closson agreed that either pervious pavers or lawn would be installed after the removal of the flagstone area.

Mr. Closson then addressed the height of the foundation. He explained that it will be necessary to cut the ramping area down by approximately 1'2", providing nine inches of pitch.

Mr. Closson noted the survey submitted at this meeting also depicts the location of the boom to be installed.

Mr. Kiely questioned how the foundation will be cut. Mr. Closson indicated that the work will be performed by an independent concrete company and that he expects they will wet-cut it to keep the dust contained.

Mr. Kiely questioned whether the home will have down spouts. Mr. Closson indicated that he did not think it necessary as there will be forty square feet of roof. Mr. Haburey questioned whether there was any objection to installing gutters. Mrs. Valigorsky indicated that they did not.

In response to whether the area near the road side was parking, Mrs. Valigorsky indicated that the gravel area was a parking area. Mr. Sadlowski noted that the vegetative buffer is currently only about a foot or two wide and was unsure as to whether the Commission deemed this adequate. No objection was made to this size buffer.

MOTION: Ms. Mulvey, Mr. Berlinski second, to approve Application #18-05 to Construct a boathouse. 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 March 21, 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.
 14. When pouring the floor, the form must be well sealed to prevent any water and/or cement from seeping or leaking through to prevent spillage into the lakebed. Wetlands Agent to be on scene prior to pouring, to inspect and review seal prior to pouring and shall be on site during pour. Wetlands Agent to be provided with at least forty-eight hours advance notice for scheduled pour.
 15. All cutting of lumbar shall take place on land, directly adjacent to the road.
 16. Applicant to install booms in the water to contain any debris from site.
 17. Building to include a metal roof.
 18. Proper easement to be filed before a building permit is issued.
 19. Gutters to be installed on overhang on road side of building.
 20. Liquid and dust to be contained when performing the foundation cut near road. Agent to be on site at the time of cutting.
 21. Permission is hereby granted to install pervious surface near the building as required by ZEO.
- Motion passed with Mr. Berlinski, Mr. Davenport, Mr. Haburey, Mr. Kiely, Ms. Mulvey and Mr. Timmeney voting aye while Mr. Molinelli abstained.*

Mr. Closson rejoined the Commission's table at 8:20PM as a regular member.

7. NEW BUSINESS:

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

Randall Serkey appeared before the Commission regarding this application. He explained that he and his wife had purchased this 1934 cottage late last year and shortly after learned that the foundation was in need of either repair or replacement. Mr. Serkey explained that the cottage itself is in good shape. He noted that his contractor D&D intend to jack up the house, shore it up and then replace each wall of the foundation.

Mr. Serkey explained that at least a portion of the floor will likely be poured concrete. He noted that the hope is for work to begin immediately, as soon as the weather permits. Mr. Kiely questioned where the spoils will be stockpiled. Mr. Serkey noted that spoils will be removed immediately as the narrow width of the property will not hold any excess material.

MOTION: Mr. Davenport, Ms. Mulvey second, to accept Application IWWC #18-06 Applicant: Randall Serkey Owner: JoAnn Serkey Location: 543 East Wakefield Boulevard Proposal: Repair/Replace Crumbling Foundation Under Existing Cottage deeming the proposed activity as non-significant; 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.

Vittorio Castro appeared before the Commission regarding this application. Mr. Castro explained that his proposal included one dock forty-seven (47') feet from one property line and a second dock forty-one (41') feet from the other property line. He noted that the proposed dock will be comprised of plastic modules and distributed pictures of a sample dock under consideration.

Mr. Sadlowski reported that Mr. Castro is also replacing the fence along the road with a stockade fence and noted that he is considering it landscaping in terms of the wetlands review process.

Mr. Castro indicated that the total length of his shoreline is 160 feet. Mr. Castro confirmed that the legs on the docks are removable.

It was clarified that the first dock must be less than 320 square feet rather than that being the limit for all of the structures in the water. Mr. Castro noted that he may review the size of the proposed objects at his home again with his wife.

MOTION: Ms. Mulvey, Mr. Closson second, to accept IWWC Application #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 deeming the proposed activity as non-significant; unanimously approved.

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

Professional Engineer/Land Surveyor Gary Giordano appeared before the commission regarding this application. Referring to the 24"x36" rendering, Mr. Giordano explained that design elements to the proposed septic system repair. Mr. Giordano reviewed the other alternatives considered and explained why those options were eliminated.

Mr. Kiely noted that excavation would be occurring within twenty (20') feet of a watercourse. Mr. Giordano confirmed. He noted that the area is very flat. Mr. Giordano indicated that there would not be any spoil piles and that all material will be used on site. New fields access driveway back up that way

Mr. Giordano provided documentation from Torrington Area Health District indicating their approval of the design plan.

MOTION: Mr. Kiely, Mr. Berlinski second, to accept Application IWWC #18-08 Applicant/Owner: Katherine Olivia Dykman Location: 153 Smith Hill Road Proposal: Subsurface Sewage Disposal Repair deeming the proposed activity as non-significant; 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 and as a result, had sent the property owners a letter. He noted that he had not heard back from them and would follow up on the matter.

Mr. Molinelli questioned whether Mr. Sadlowski had authorized a wall repair on Shore Drive (130s-140s), noting that he had received a complaint that there had been no silt fence installed. Mr. Sadlowski indicated that he would have to look into the matter.

9. COMMUNICATIONS AND BILLS:

None.

10. OTHER BUSINESS:

Mr. Sadlowski reported that he will be scheduling a training session with land use attorney, Mark Branse. He also reminded the Commission that the COG has scheduled a refresher course on reading site plans.

11. ADJOURN:

MOTION: Mr. Kiely, Mr. Molinelli second, to adjourn at 9:17PM; unanimously approved.

Respectfully submitted,

Pamela A. Colombie
Recording Clerk