



TOWN OF WINCHESTER
INLAND WETLANDS & WATERCOURSES COMMISSION
Town of Winchester Town Hall, 338 Main Street
P. Francis Hicks Room – 2nd Floor
December 20, 2017 – 7:00PM
Regular Meeting Minutes

1. CALL TO ORDER:

Chairman Ric Nalette called the meeting to order at 7:00PM.

2. ROLL CALL:

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

Gene Berlinski and Bob Haburey were absent excused.

3. APPROVAL OF MINUTES – NOVEMBER 15, 2017:

MOTION: Ms. Mulvey, Mr. Kiely second, to approve the November 15, 2017 Minutes; unanimously approved.

4. AGENDA REVIEW:

MOTION: Mr. Nalette, Mr. Kiely second, to modify the agenda to add under New Business, IWWC#17-30, Owner/Applicant: Michael Simon, Location: 112 Shore Drive, Proposal: Change Stairway off Replacement Deck; unanimously approved.

MOTION: Mr. Molinelli, Mr. Kiely second, to modify the agenda to add under Other Business, two discussion items: 1. Types of Application the Department of Public Works is Adding to Road Surfaces around Highland Lake and 2. Request a Schedule of Inspections of the Cleaning Out of Catch Basins around Highland Lake; unanimously approved.

5. OLD BUSINESS:

A. IWWC #17-25 Owner/Applicant: Jacqueline Mulvey Location: 446 East Wakefield Boulevard Proposal: Repair dry-stacked sea wall to prevent erosion; repair existing docks.

As this application involved proposed work at her home, Ms. Mulvey recused herself from the review of this application and took a seat at the applicant's table. It was noted that it had been requested that the location of the proposed boat lift be presented at this meeting. Drawings of the site, depicting the location of the 10'x24' boatlift, were noted as having been provided.

MOTION: Mr. Kiely, Mr. Nalette second, to approve Application IWWC #17-25 Owner/Applicant: Jacqueline Mulvey Location: 446 East Wakefield Boulevard Proposal: Repair dry-stacked sea wall to prevent erosion; repair existing docks and installation of boatlift at west end of shoreline 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 December 20, 2017, 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 deficiencies 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 will be submitted to the Inland Wetlands Office; Motion passed with Mr. Closson, Mr. Davenport, Mr. Kiely, Mr. Nalette and Mr. Timmeney while Mr. Molinelli abstained.

Ms. Mulvey rejoined the Commission as a regular member.

B. IWWC #17-26 Owner: Donald Maillet and Virginia Maillet Applicant: Donald Maillet Location: 228 East Lake Street Proposal: Remove Expired/Empty Gas Tank.

Donald Maillet appeared before the Commission regarding this application, reminding commissioners that he was seeking approval for the removal of the gas tank from the vault at this location. Mr. Nalette noted that it had been observed that work had occurred at this site between the last meeting and this. He explained that work should never have occurred at this site prior to receiving approval. Mr. Maillet explained that Environmental Engineer Bob Simmons of HRP Associates had indicated that it would be okay to excavate the top of the tank.

Mr. Sadlowski questioned what the applicant intends to do on the site after the tank is removed in terms of whether the void will be filled with sand. Mr. Maillet noted that the likely new owner will fill the vault with sand.

MOTION: Mr. Closson, Ms. Mulvey second, to approve Application IWWC #17-26 Owner: Donald Maillet and Virginia Maillet Applicant: Donald Maillet Location: 228 East Lake Street Proposal: Remove Expired/Empty Gas Tank 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 December 20, 2017, 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 deficiencies 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 \$250 will be submitted to the Inland Wetlands Office; unanimously approved.

C. IWWC #17-27 Owner/Applicant: Sherwood Dawson Location: 535 West Wakefield Boulevard Proposal: Construct Single-Family House on Existing Lot.

Neither the owner/applicant nor a designated representative appeared before the Commission regarding this application.

In discussing this application, it was noted that it involved proposed work from a previously approved application that had expired.

MOTION: Mr. Kiely, Mr. Timmeney second, to approve Application IWWC #17-27 Owner: Sherwood Dawson Location: 535 West Wakefield Boulevard Proposal: Construct Single-Family House on Existing Lot. Based on oral and written testimony. Conditions 1-12 are standard Inland Wetland Commission Conditions and the following additional conditions as part of the previously approved application, IWWC #12-25, included as Conditions 13-19.

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 December 20, 2017, 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 deficiencies 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 \$2,000 be submitted to the Inland Wetlands Office before construction begins.
14. Verification in writing to the Inland Wetland Office that iron survey pins have not been altered after completion of the construction project. If altered, pins to be reset by Licensed Professional Land surveyor and provide the Inland Wetland Office a letter verifying pins have been properly reinstalled.
15. Use native plantings, prior to installation. Inland Wetland Agent to review plan.
16. Inland Wetland Agent approves E&S controls prior to construction.
17. Excess material to be disposed off site.
18. Stumps are not to be buried on site and are to be legally disposed of off site.
19. Owners and contractors will be making daily site inspections during the upcoming rains and will monitor whether or not additional measures will be required as well as providing maintenance of the existing soils and erosion control measures. Owners and contractors will implement additional soils stabilization and erosion control measures above and beyond those indicated on the drawings, in response to the heavy rains and associated runoff; unanimously approved.

6. NEW BUSINESS:

A. IWWC #17-30 Owner/Applicant: Michael Simon Location: 112 Shore Drive Proposal: Change Stairway off Replacement Deck.

Michael Simon appeared before the Commission regarding this application. It was noted that the addition and flat deck will be removed and replaced with a second-story deck. Mr. Simon also noted that the decking along the side of his property will be removed and replaced with grass. He noted that the proposed second-story deck would be about thirty-six (36') feet at its closest point to Highland Lake.

With regards to removing a portion of the ground-level deck, Mr. Simon explained that he was unsure what would be in its place. Mr. Simon indicated that it may be either grass, patio or similar decking. It was noted that the Commission will want more detail as to what will be in its place. Alternatively, it was noted that approvals are valid for five years and an applicant can return seeking modifications.

Mr. Sadlowski confirmed that he had copies of existing conditions, as well as proposed locations for the sonotubes for a new deck and that the language for the proposal will be amended. Mr. Sadlowski confirmed that the Commission will receive these copies for the next meeting.

MOTION: Mr. Nalette, Mr. Kiely second, to accept Application IWWC#17-30 Owner/Applicant: Michael Simon Location: 112 Shore Drive Proposal: Change Stairway off Replacement Deck, deeming the proposed activity was not significant; unanimously approved.

7. AGENT ACTIONS:

A. Determinations.

i. IWWC #17-29 Owner/Applicant: Temple Beth Location: 74 Park Place Proposal: Fix Driveway Washout.

Mr. Sadlowski reported that repairs were undertaken to repair a washout at this location and that additional work will be needed. He explained that during a recent bad rainstorm, water from the road ran down the driveway and washed out part of their lot. Mr. Sadlowski explained that while some work was done, additional work was necessary in terms of repairs to the retaining wall as well as the installation of stone in the ditch at this site.

Mr. Nalette noted that this is not the first time that this site has had problems. He questioned whether this applicant ought to submit an application before the full Commission to present a more permanent remediation. Mr. Sadlowski explained that this will likely take a fair amount of time as it would require a cooperative effort with adjoining property owners.

B. Warnings/Violations.

None.

8. COMMUNICATIONS AND BILLS:

Mr. Nalette confirmed that the Commission has received copies of a letter received from Candy Perez, submitted not in her capacity as Mayor but instead as a private citizen. The letter cited Ms. Perez's response regarding this Commission's recent review of the application regarding the Highland Lake 5-Year Drawdown Policy.

Mr. Nalette noted that procedures relative to the handling of public hearings should be included as a future agenda item.

9. OTHER BUSINESS:

A. Types of Application the Department of Public Works is Adding to Road Surfaces Around Highland Lake.

The type of application used during the winter months for road surfaces around the lake is something that was discussed a few years back, according to Mr. Molinelli. The consensus of the Commission was to seek more information from Department of Public Works Director Jim Rollins.

B. Request a Schedule of Inspections of the Cleaning Out of Catch Basins Around Highland Lake.

Mr. Molinelli noted that the cleaning of the catch basins near Highland Lake is something that this Commission ought to be reviewing during April or May.

10. ADJOURN:

MOTION: Mr. Nalette, Mr. Kiely second, to adjourn at 8:11PM; unanimously approved.

Respectfully submitted,

Pamela A. Colombie
Recording Clerk