



TOWN OF WINCHESTER
INLAND WETLANDS & WATERCOURSES COMMISSION
Town of Winchester Town Hall, 338 Main Street
P. Francis Hicks Room – 2nd Floor
November 15, 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, Chris Kiely, Steve Molinelli, Jackie Mulvey, Kurt Timmeney and Town Planner/Wetlands Agent Steve Sadlowski.

Gene Berlinski, Russ Davenport and Bob Haburey were absent excused.

3. APPROVAL OF MINUTES – OCTOBER 18, 2017:

MOTION: Ms. Mulvey and Mr. Kiely second, to approve the October 18, 2017 Minutes; Motion approved with Ms. Mulvey, Mr. Kiely, Mr. Closson, and Mr. Timmeney voting aye while Mr. Nalette and Mr. Molinelli abstained.

4. AGENDA REVIEW:

No modifications were made to the agenda.

5. OLD BUSINESS:

A. IWWC #17-23 Owner: JoAnn Serkey Applicant: JoAnn Serkey Location: 542 East Wakefield Boulevard Proposal: Restore/Replace Existing Lake Wall and Retaining Wall from Road to Lake.

JoAnn Serkey appeared before the Commission regarding this application. She reminded them that she is seeking to repair her wall along the lake as well as the wall along the road. Ms. Serkey noted that there are no re-configurations to the wall.

Mr. Nalette questioned whether an engineer was needed to verify the location of the wall now and then compare it to the result as the work progresses. Mr. Sadlowski noted that the work could just be monitored and checked to make sure that the before and after are relatively close.

MOTION: Ms. Mulvey, Mr. Kiely second, to approve Application IWWC #17-23 Owner: JoAnn Serkey Applicant: JoAnn Serkey Location: 542 East Wakefield Boulevard Proposal: Restore/Replace Existing Lake Wall and Retaining Wall from Road to Lake, 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 15, 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 Ms. Mulvey, Mr. Closson, Mr. Kiely and Mr. Timmeney voting aye while Mr. Nalette and Mr. Molinelli abstained.

B. IWWC #17-24 Owner: Josh Oliver/Highland Lake Oasis, LLC Applicant: Josh Oliver Location: 160-162 Shore Drive/164 Shore Drive Proposal: Construct New Precast Block Retaining Wall.

Mr. Closson recused himself from this application as he presented the proposed work from the applicant's table. He explained that he is the contractor on this joint project concerning Josh Oliver and Highland Lake Oasis, with each having approximately fifty (50') feet of crumbling stone retaining walls. Mr. Closson explained that he is seeking to install a pre-cast wall system, similar to the one constructed at the Lippincott property at 402 East Wakefield Boulevard last year. He noted that there will likely be minimal excavation as it is only necessary to only go about one foot down into the lakebed. Mr. Molinelli questioned whether the dye used to color the block bleeds into the lake. Mr. Closson did not think there was any danger of that.

MOTION: Mr. Kiely, Mr. Timmeney second, to approve Application IWWC #17-24 Owner: Josh Oliver/Highland Lake Oasis, LLC Applicant: Josh Oliver Location: 160-162 Shore Drive/164 Shore Drive Proposal: Construct New Precast Block Retaining Wall 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 15, 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 \$1000 will be submitted to the Inland Wetlands Office; Motion passed with Ms. Mulvey, Mr. Kiely, and Mr. Timmeney voting aye while Mr. Nalette and Mr. Molinelli abstained.

Mr. Closson rejoined the Commission at the Board table at 7:20PM.

6. NEW 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.

Ms. Mulvey recused herself from this application as she presented the proposed work from the applicant's table.

Ms. Mulvey explained that she is seeking to repair certain areas of her three hundred feet of shoreline. She also sought to amend her proposal to include the installation of a boat lift at the west end of her shoreline. She explained that she is also seeking to repair her docks, too. It was noted that there will be no machines in the lakebed, with most of the work to be done by hand.

MOTION: Mr. Molinelli, Mr. Kiely second, to accept 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 finding that the proposed work is not a significant activity; Motion passed with Mr. Nalette, Mr. Kiely, Mr. Molinelli, Mr. Closson, Mr. Davenport, and Mr. Timmeney voting aye.

Ms. Mulvey rejoined the Commission at the Board table at 7:30PM.

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 and Virginia Maillet appeared before the Commission regarding this application. Mr. Maillet explained that the 1000-gallon gas tank at 228 East Lake Street, installed in 1989, needs to be removed as the Department of Energy and Environmental Protection only allows for tanks to be in service for twenty-five years. He explained that it is in a concrete vault and expects to find no contamination. Mr. Maillet explained that he intends to fill the area with sand and cap it.

Mr. Maillet reported that Bill Eichner of Winchester Excavation will be performing the work and that he was the contractor who had originally installed the tank. The tank was noted to be four feet in diameter and ten feet long.

MOTION: Mr. Nalette, Mr. Kiely second, to accept Application IWWC #17-26 Owner: Donald Maillet and Virginia Maillet Applicant: Donald Maillet Location: 228 East Lake Street Proposal: Remove Expired/Empty Gas Tank finding that the proposed work is not a significant activity; unanimously approved.

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

Sherwood Dawson appeared before the Commission regarding this application. He explained that his former approval had lapsed prior to his seeking an extension but noted that there have been no changes to his previously approved plans. Mr. Nalette explained to his fellow commissioners that there had been an extensive review a little more than five years ago and noted that neither the application nor the regulations had changed since that time.

MOTION: Mr. Nalette, Mr. Closson second, to accept Application IWWC #17-27 Owner: Sherwood Dawson Location: 535 West Wakefield Boulevard Proposal: Construct Single-Family House on Existing Lot finding that the proposed work is not a significant activity; unanimously approved.

7. AGENT ACTIONS:

A. Determinations.

Mr. Sadlowski reported that an agent determination had been rendered regarding a demolition at 414 East Wakefield Boulevard.

B. Warnings/Violations.

None.

8. COMMUNICATIONS AND BILLS:

The most recent edition of the Connecticut Association of Conservation and Inland Wetlands Commissions (CACIWC) newsletter was distributed to each commissioner.

9. OTHER BUSINESS:

No business discussed.

10. ADJOURN:

MOTION: Mr. Nalette, Mr. Kiely second, to adjourn at 7:55PM; unanimously approved.

Respectfully submitted,

Pamela A. Colombie
Recording Clerk