



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

It was noted that Jackie Mulvey was absent.

3. APPROVAL OF MINUTES – AUGUST 16, 2017:

MOTION: Mr. Molinelli, Mr. Kiely second, to approve the August 16, 2017 Minutes; Motion approved with Mr. Nalette, Mr. Kiely, Mr. Davenport, Mr. Closson, Mr. Haburey, Mr. Molinelli and Mr. Timmeney voting aye while Mr. Berlinski abstained.

4. AGENDA REVIEW:

No modifications were made to the agenda.

MOTION: Mr. Molinelli, Ms. Mulvey second, to table the regular meeting and open the public hearing; unanimously approved.

5. OLD BUSINESS:

A. IWWC #17-19 Owner: Town of Winchester Applicant: Town of Winchester Proposal: New 5-Year Drawdown Schedule for Highland Lake.

Mr. Nalette reminded the Commission that last month information was received from the Ad Hoc Water Level Committee with their recommendations for a new five-year drawdown schedule for Highland Lake. Their suggestions contained four years of a three-foot drawdown and one year with a deep drawdown of six and one-half feet. It was noted that previously the deep drawdown had gone as far as eight feet. Mr. Nalette noted that comments were also received from the town's former wetlands agent urging the Board for a deeper drawdown at the public hearing last month. Mr. Nalette noted that Mr. Sadlowski had also provided alternative considerations including a ten-year schedule that includes an eight-foot drawdown if necessary for shore-front property owners who may need it for various projects.

Discussion ensued among commissioners regarding the amount of time needed for contractors to complete their work and whether a deep drawdown is necessary.

Noting the petition that prompted last meeting's public hearing, Mr. Closson questioned the number of people who signed it.

Consensus of the board was to continue a deeper, eight-foot drawdown once every five years.

MOTION: Mr. Kiely, Mr. Davenport second, to table discussion of the application in the matter of IWWC #17-19 Owner: Town of Winchester Applicant: Town of Winchester Proposal: New 5-Year Drawdown Schedule for Highland Lake until after the other business of this meeting has been conducted; unanimously approved.

B. IWWC #17-20 Owner: Suzanne Carfiro Applicant: Frank Carfiro Location: 552 East Wakefield Boulevard Proposal: Install 2nd Dock 24'x6' - Aluminum on Legs, Jet Ski Float, No Excavating or Concrete Work.

Frank Carfiro appeared before the Commission regarding this application. He reminded them that he was seeking to install a second dock and noted that he has over two-hundred feet of shorefront. Mr. Nalette confirmed that it would be permissible for him to have a second dock under the Dock and Mooring Ordinance.

MOTION: Mr. Berlinski, Mr. Molinelli second, to approve Application IWWC #17-20 Owner: Suzanne Carfiro Applicant: Frank Carfiro Location: 552 East Wakefield Boulevard Proposal: Install 2nd Dock 24'x6' - Aluminum on Legs, Jet Ski Float, No Excavating or Concrete Work 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 September 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.

MOTION UNANIMOUSLY APPROVED.

6. NEW BUSINESS:

A. IWWC #17-21 (Mod#16-17) Owner: Anthony W. Sandonato and Deborah Ann Sandonato Applicant: Anthony W. Sandonato and Deborah Ann Sandonato Location: 364 East Wakefield Boulevard Proposal: Modification of Previously Approved Docks and Boatlift; Reassignment of Permittee.

Tony Sandonato, accompanied by Mike Sherman, P.E. of Laurel Engineering, appeared before the Commission regarding this application. Mr. Sandonato noted that his application stemmed from a safety issue with respect to the floating dock previously approved in 2008. He noted that he purchased this home in June of this year and has already had three

people get bounced off the dock. Mr. Sandonato explained that he was seeking approval for two options for a replacement dock, noting one as an aluminum docking system and one is a cantilever system. Mr. Sadlowski confirmed that the Commission could approve the application at this meeting as it is considered a modification. Mr. Molinelli questioned how deep the applicant would need to dig if a cantilever system was used. It was noted that a depth of four and one-half feet was likely. Mr. Molinelli questioned whether he would be able to get a machine down at the lakefront. Mr. Sherman explained that several options are being explored.

MOTION: Mr. Molinelli, Mr. Berlinski second, to approve IWWC #17-21, a modification of IWWC#16-17 Owner: Anthony W. Sandonato and Deborah Ann Sandonato Applicant: Anthony W. Sandonato and Deborah Ann Sandonato Location: 364 East Wakefield Boulevard, for either an aluminum docking system not to exceed 40'x8' as detailed in his application or to install a cantilever system with all of the work being completed on land, not to exceed 40'x8'. Previous permit from Bruce and Diane Benedetto shall be transferred to Anthony and Deborah Sandonato.

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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 UNANIMOUSLY APPROVED.

B. IWWC #17-22 Owner: Thomas Gorski and Nancy Gorski Applicant: Thomas Gorski Location: 159 West Wakefield Boulevard Proposal: Relocate Dock and Repair Seawall; Repair Existing Driveway Temporarily; Approve New Driveway Location; and General Landscaping and Cleanup.

Thomas and Nancy Gorski appeared before the Commission regarding this application. Mrs. Gorski reported that they have been cleaning up the site, by removing brush and fallen trees and cutting trees. She explained that their work now involves sprucing up the area within the upland review area including moving rocks, installing drainage as they seek to repair and widen their driveway, and installing a split rail fence in front of the stones on the site. At the waterfront, Mrs. Gorski noted that they would like to relocate their dock but keep it within the stone area that they have on their one-hundred, seventy (170') feet of lakeshore front. Additionally, they are seeking to clear some brush and briars along the waterfront once a drawdown allows them to and as well as fix the stairs near the water. Mrs. Gorski explained that they are also seeking to fix their driveway to address safety concerns with sight line.

It was noted that commissioners may want to visit and review the site.

MOTION: Mr. Kiely, Mr. Berlinski second, to accept Application IWWC #17-22 Owner: Thomas Gorski and Nancy Gorski Applicant: Thomas Gorski Location: 159 West Wakefield Boulevard Proposal: Relocate Dock and Repair Seawall; Repair Existing Driveway Temporarily; Approve New Driveway Location; and General Landscaping and Cleanup;
MOTION UNANIMOUSLY APPROVED.

7. AGENT ACTIONS:

A. Determinations.

None.

B. Warnings/Violations.

None.

9. COMMUNICATIONS AND BILLS:

No business discussed.

10. OTHER BUSINESS:

A. IWWC #17-19 Owner: Town of Winchester Applicant: Town of Winchester Proposal: New 5-Year Drawdown Schedule for Highland Lake.

Discussion resumed on this application.

MOTION: Mr. Molinelli, Mr. Kiely second, to approve Application IWWC #17-19 Owner: Town of Winchester Applicant: Town of Winchester Proposal: New 5-Year Drawdown Schedule for Highland Lake;

MOTION TO AMEND: Mr. Berlinski, Mr. Closson second, to replace the six and one-half foot drawdown to an eight-foot draw, in 2020, as part of the five-year schedule; ***Amendment was approved with Mr. Berlinski, Mr. Closson, Mr. Davenport, Mr. Haburey, and Mr. Timmeney in favor while Mr. Nalette and Mr. Kiely were opposed and Mr. Molinelli abstained;***

- MOTION TO AMEND:** Mr. Berlinski, Mr. Haburey second, to amend the new 5-year drawdown schedule to reflect:
- Three-foot drawdown in 2017-2018 with the gate opening November 1, 2017 and to maintain the three-foot level as much as possible until ice is sufficiently off the lake and then allow refill to usual over spillway level (approximately 11.9);
 - Three-foot drawdown in 2018-2019 with the gate opening November 1, 2018 and to maintain the three-foot level as much as possible until ice is sufficiently off the lake and then allow refill to usual over spillway level (approximately 11.9);
 - Three-foot drawdown in 2019-2020 with the gate opening November 1, 2019 and to maintain the three-foot level as much as possible until ice is sufficiently off the lake and then allow refill to usual over spillway level (approximately 11.9);
 - Eight-foot drawdown in 2020-2021 with the gate opening October 1, 2020 and to regulate gate to prevent level going below 8 feet down. If gate is not already closed, it must close by December 30, 2020 and allow the water to rise to the level of three-feet, as much as possible, until ice is sufficiently off the lake and then allow refill to usual over spillway level (approximately 11.9);
 - Three-foot drawdown in 2021-2022 with the gate opening November 1, 2021 and to maintain the three-foot level as much as possible until ice is sufficiently off the lake and then allow refill to usual over spillway level (approximately 11.9);
- Amendment was approved with Mr. Berlinski, Mr. Closson, Mr. Davenport, Mr. Haburey and Mr. Timmeney in favor while Mr. Kiely was opposed and Mr. Nalette and Mr. Molinelli abstained;***

Amended Motion was approved with Mr. Berlinski, Mr. Closson, Mr. Davenport, Mr. Haburey, and Mr. Timmeney in Favor While Mr. Nalette and Mr. Kiely were opposed and Mr. Molinelli abstained.

B. Proposed Bubbler Ordinance.

The draft copy of a proposed ordinance, "Bubblers in Waters" was discussed. Mr. Sadlowski explained that this ordinance would still need to be forwarded to the Board of Selectmen and receive legal review. The draft was changed to omit the word "permanent".

MOTION: Mr. Berlinski, Mr. Closson second, to forward the Amended "Bubblers in Waters" ordinance to the Board of Selectmen; unanimously approved.

C. Bylaws.

Mr. Nalette noted that the Bylaws clearly state that members who have missed four meetings or more are considered to have resigned. He noted that while Mr. Berlinski's absences have been excused because of illness, Mr. Haburey's absences have not. Mr. Nalette implored all commissioners to be at the meetings.

D. 2018 Regular Meeting Schedule.

Consensus of the Commission was to accept the 2018 Regular Meeting Schedule as presented.

11. ADJOURN:

MOTION: Mr. Nalette, Mr. Kiely second, **to adjourn at 8:57PM; unanimously approved.**

Respectfully submitted,

Pamela A. Colombie
Recording Clerk