



**TOWN OF WINCHESTER**  
**INLAND WETLANDS & WATERCOURSES COMMISSION**  
Town of Winchester Town Hall, 338 Main Street  
P. Francis Hicks Room – 2nd Floor  
July 19, 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: Ms. Jackie Mulvey, Mr. Chris Kiely, Mr. Russell Davenport, Mr. Steve Molinelli and Town Planner/Wetlands Agent Steve Sadlowski.

Absent excused was Mr. Gene Berlinski and Mr. Matt Closson. It was noted that Mr. Bob Haburey was absent. Additionally, Mr. Nalette reported that new member, Kurt Timmeney, has been appointed by the Board of Selectmen but has not been sworn in yet by the Town Clerk.

**3. APPROVAL OF MINUTES – JUNE 21, 2017:**

**MOTION:** Ms. Mulvey, Mr. Kiely second, to approve the June 21, 2017 Minutes; unanimously approved.

**4. AGENDA REVIEW:**

The agenda was modified to add item *C. Bylaws* under *10. Other Business*.

**5. OLD BUSINESS:**

**A. IWWC #17-13 Owner: Cannavo Development, LLC Applicant: Cannavo Development, LLC Location: Torrington Road Proposal: Construct 4750 Square Foot Office Building with Associated Site Improvements.**

Richard Calkins, PE, of Northeast Consulting appeared before the Commission regarding this application. He reviewed drawings, noting that the proposal includes work within one hundred (100') feet of the stream. Serving as a reply to a question raised at last month's meeting regarding whether it is necessary to install a septic system or whether there is sewer available, Mr. Calkins explained that Department of Public Works Director Jim Rollins has provided a memorandum reflecting that there is no sewer available on Torrington Road. Additionally, he reported that in response to inquiry at the last meeting questioning the distance from the site to Still River, Land Surveyor John DiCara has provided a letter indicating that it is in excess of one hundred (100') feet.

Mr. Calkins reviewed the plans for drainage, noting that there will be some perforated drains on the west side of the building parking area and the storm drainage will be piped through a series of drywells which will function to percolate the water into the ground. He noted that this plan meets LID requirements. It was noted that a maintenance plan as well as a construction sequence plan were included, too. The likelihood of hitting ground water was discussed with Mr. Calkins explaining that borings as deep as twenty to thirty feet did not result in any discovery of water.

**MOTION:** Mr. Molinelli, Mr. Kiely second, to approve Application IWWC #17-13 to construct a 4750-square foot office building with associated site improvements. Location: Torrington Road Map: 039 Block: 158 Lot: 019A Applicant: Cannavo Development, LLC 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 July 19, 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 \$2,500 will be submitted to the Inland Wetlands Office.
14. Applicant to notify the Commission of the estimated amount of earth material to be removed; unanimously approved.

**B. IWWC#17-14 Owner: Able Sentry Limited Applicant: Able Sentry Limited Location: 728 Lake Drive  
Proposal: Install a Suction Line into the Lake for the Purpose of Using Lake Water for an Irrigation System.**

Bryan Southergill of Able Sentry Limited along with Anderson Turf Irrigation President Curtis Anderson appeared before the Commission regarding this application. Mr. Nalette reminded those present that it was agreed that the pump would be off the lakebed in an effort to prevent turbidity. It was confirmed that the applicant owns both 728 and 730 Lake Drive.

**MOTION:** Ms. Mulvey, Mr. Molinelli second, to approve Application IWWC#17-14 Install a Suction Line into the Lake for the Purpose of Using Lake Water for an Irrigation System Location: 728 Lake Drive Owner: Able Sentry Limited Applicant: Able Sentry Limited 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 July 19, 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; unanimously approved.

## **6. NEW BUSINESS:**

### **A. IWWC#17-16 Owner: Lynn C. Brennan and James Brandolini Applicant: Lynn C. Brennan and James Brandolini Location: 734 Lake Drive Proposal: Replace 30 Foot Section of Seawall.**

James Brandolini and Lynn Brennan appeared before the Commission regarding this application. Mr. Brandolini explained that they have a crumbling wall that needs replacement. He noted that replacement is proposed for a thirty (30') foot section. The drawdown need not even be a deep drawdown, according to Mr. Brandolini. He explained that they are also seeking to install stairs back into the property. The wall will be raised slightly by eight to twelve inches to match the neighbor's wall. He indicated that it is necessary to undertake the work this year.

**MOTION:** Ms. Mulvey, Mr. Molinelli second, to accept Application IWWC#17-16 Owner: Lynn C. Brennan and James Brandolini Applicant: Lynn C. Brennan and James Brandolini Location: 734 Lake Drive Proposal: Replace 30 Foot Section of Seawall deeming the proposal as non-significant; unanimously approved.

### **B. IWWC#17-17 (IWWC#15-17 Mod) Owner: Gregory Olson Applicant: Edward M. Ferrigno Location: 113 Peck Road Proposal: Drainage Modification.**

Edward Ferrigno appeared before the Commission regarding this application. Mr. Ferrigno reported that he has a letter from his engineer, John Phillips. Mr. Sadlowski reported that drainage work that is present at this site, while appearing to be adequate, is not what was proposed and approved. He therefore had advised Mr. Ferrigno to submit a letter from his engineer and a request for a modification. Mr. Sadlowski explained that what was approved was a two-foot, flat-bottom swale with four-foot wide slopes, equating to a ten-foot wide swale as opposed to a sharp ditch that is there in its place.

**MOTION:** Mr. Nalette, Mr. Kiely second, to approve Modification of IWWC#15-17 for Gregory Olson Applicant: Edward M. Ferrigno Location: 113 Peck Road Proposal: Drainage Modification; unanimously approved.

**C. IWWC#17-18 Owner: Richard Fitzgerald Applicant: Richard Fitzgerald Location: 124 Shore Drive Proposal: Construct Approximately 12'x20' Addition and Remove Existing Pavers Under Front Deck and Replace the Pervious Pavers.**

Neither the applicant nor a designated representative was present regarding this application.

Mr. Sadlowski explained that there is an application before the Zoning Board of Appeals seeking a variance for this proposal. He explained that the proposal includes removing existing pavers which will also help to reduce the amount of impervious coverage. Mr. Sadlowski indicated that a machine will be brought in to remove the existing material of the patio pavers.

It was noted that the application was lacking a site location map and should submit one in advance of the next regular meeting.

**MOTION:** Mr. Nalette, Mr. Kiely second, to accept Application IWWC#17-18 Owner: Richard Fitzgerald Applicant: Richard Fitzgerald Location: 124 Shore Drive Proposal: Construct Approximately 12'x20' Addition and Remove Existing Pavers Under Front Deck and Replace the Pervious Pavers, deeming the proposed work as insignificant; unanimously approved.

**7. AGENT ACTIONS:**

**A. Determinations.**

Mr. Sadlowski reported that the new dock, he had referred to at last month's meeting on East Wakefield Boulevard, near Perch Rock Trail, is shorter and narrower. He noted that this is better so there is no enforcement action necessary.

**B. Warnings/Violations.**

None.

**9. COMMUNICATIONS AND BILLS:**

**10. OTHER BUSINESS:**

**A. Proposed Bubbler Ordinance.**

A proposed ordinance regarding the use of bubblers, or agitating device, used to prevent the freezing of ice was reviewed and discussed. A motion drafted which flatly prohibits bubblers was discussed by commissioners. It was suggested that the draft ordinance prohibiting the use of aeration systems could be modified to reflect that bubblers are prohibited unless express warning signage is posted. Consensus of the Commission was that Mr. Nalette would meet with Mr. Sadlowski in advance of next meeting to tweak the language.

**B. Ordinance Review.**

The Commission reviewed modifications made to the following four town ordinances pertaining to the inland wetlands and watercourses in Winchester:

- Section 114 Ordinance Creating an Inland Wetlands and Watercourse Agency
- Section 139 Highland Lake, Protection of Quality of Water at Regulations of Activities on Said Waters
- Section 153 Publication of Proposed Changes to the Regulations of Town Boards and Commissions
- Section 187 Inland Wetlands and Watercourses Agency Fees

It was noted that Section 162 Docks, Swim Floats, Boatlifts, Walkways, Personal Watercraft Lift Floats, Mooring Buoys and Markers at Public Bodies of Water within the Town of Winchester has already been forwarded to the Board of Selectmen following the June 21, 2017 regular meeting. It was agreed that these red-lined ordinances should be forwarded onto the Board of Selectmen.

**C. Bylaws.**

Mr. Nalette distributed copies of this commission's bylaws. He read aloud *Section 3: Attendance*. Mr. Nalette explained that contrary to the mandate of this section, he does not require twenty-four hours' notice for an absence but does require some type of advance-notice. Mr. Nalette requested commissioners review these bylaws ahead of next month's meeting and come prepared with any suggested changes.

**11. ADJOURN:**

**MOTION:** Mr. Nalette, Mr. Kiely second, **to adjourn at 8:14PM; unanimously approved.**

**Respectfully submitted,**

**Pamela A. Colombie**  
**Recording Clerk**