



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

Absent excused was Mr. Gene Berlinski. It was noted that Mr. Bob Haburey was absent.

**3. APPROVAL OF MINUTES – MARCH 15, 2017:**

**MOTION:** Mr. Kiely, Ms. Mulvey second, to approve the March 15, 2017 Minutes; Motion passed with Mr. Nalette, Mr. Kiely, Mr. Davenport, and Mr. Closson voting aye while Ms. Mulvey and Mr. Molinelli abstained.

**4. AGENDA REVIEW:**

**MOTION:** Mr. Nalette, Mr. Molinelli second, to add Election of Officers as an agenda item to next month's meeting; unanimously approved.

**5. SHOW CAUSE HEARING:**

**A. Cease and Desist and Restore Order Owner: Sandy Drive Three, LLC Location: 24 & 240 Kingsbury Avenue Map: 113, Block 104A, Lot 137 142.**

Mr. Sadlowski explained that this property is located on a paper street between East Wakefield Boulevard and Perch Rock Trail and noted that the property's owner had been before the Commission before. He noted that he had received complaints from neighbors on activity occurring on the premises. Mr. Sadlowski shared pictures of the property and reported that there appears to be a lot of trees cut with the wood chips deposited in the wetlands. Mr. Sadlowski noted that he had hoped the property owner would be at this meeting.

**MOTION:** Mr. Nalette, Mr. Kiely second, to uphold the Cease and Desist Order as issued by the Wetlands Agent; unanimously approved.

Mr. Sadlowski indicated that he would email the property owner to again request that he be at the next meeting. Mr. Nalette suggested that Mr. Sadlowski advise the property owner to provide the Commission with a remediation/planting plan and possibly a restoration plan. Mr. Kiely and Mr. Davenport indicated their desire to schedule a site visit.

**6. OLD BUSINESS:**

**A. IWWC#17-02 Owner: Barbara A. Traub Applicant: Richard B. Traub Location: 417 West Wakefield Boulevard Proposal: Install Soil Erosion and Sediment Controls per Survey Drawing; Install New Foundation and Single Family House as Approved by the ZBA.**

Richard Traub appeared before the Commission regarding this application. He noted that he has provided sketches in response to questions that arose from the last meeting. He noted that he will be excavating below the level of the lake by 1'9" and will have to pump to pour the concrete. Mr. Traub also noted that the second page reflects the underdrain where it will flow into the detention basin. He noted that the elevations are indicated on the plans. Only the footings were below

the water table, according to Mr. Traub. He explained that the discharge will be to filter bags. With regards to a timeline, Mr. Traub noted that he would like to begin the work in June and be finished by December.

**MOTION:** Ms. Mulvey, Mr. Kiely second, to approve Application IWWC#17-02 Owner: Barbara A. Traub Applicant: Richard B. Traub Location: 417 West Wakefield Boulevard Proposal: Install Soil Erosion and Sediment Controls per Survey Drawing; Install New Foundation and Single Family House as Approved by the ZBA. 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 April 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 \$2000 will be submitted to the Inland Wetlands Office.
14. A De-watering bag per the information submitted by the applicant at this hearing to be used during construction; unanimously approved.

**B. IWWC#17-04 Owner: One Hundred Seventy Eight Shore Drive Applicant: Ed Smith Location: 178 Shore Drive Proposal: Enclosed 12'x16' Room on Existing Deck; Proposed 10'x16' Deck Extension.**

Mr. Sadlowski explained that the applicant, Ed Smith, was unable to attend the meeting but has submitted a correspondence describing what is planned with the roof liters. He explained that the gutters are being removed but a deep stone bed will be installed, allowing the water to flow off the roof into that.

**MOTION:** Mr. Kiely, Ms. Mulvey second, to approve Application IWWC #IWWC#17-04 Owner: One Hundred Seventy Eight Shore Drive Applicant: Ed Smith Location: 178 Shore Drive Proposal: Enclosed 12'x16' Room on Existing Deck; Proposed 10'x16' Deck Extension. 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 April 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 \$1000 will be submitted to the Inland Wetlands Office; Motion passed with Mr. Nalette, Ms. Mulvey, Mr. Closson, Mr. Kiely, and Mr. Davenport voting aye while Mr. Molinelli abstained.

**C. IWWC#17-05 Owner: BNJ Real Estate LLC Applicant: Donald LaPointe Location: 290 Colebrook Road Proposal: To Construct a 24'x32' Pole Barn in Rear of Property Approximately 60-70 Feet from Wetlands.**

Donald LaPointe appeared before the Commission regarding this application. Mr. LaPointe noted that he had submitted an investigation report from Pietras Environmental Group stipulating some holes dug back in January, 2017 were no longer significant wetlands soil. He explained that there were areas in question with the eastern boundary along

Colebrook Brook. Mr. LaPointe estimated that the proposed barn will likely be forty-five (45') feet from the brook. Mr. Sadlowski explained that the Commission will also need to consider the very recently expired approval on the primary dwelling for the location.

**MOTION:** Mr. Nalette, Mr. Kiely second, to approve Application IWWC#17-05 Owner: BNJ Real Estate LLC Applicant: Donald LaPointe Location: 290 Colebrook Road Proposal: To Construct a 24'x32' Pole Barn in Rear of Property Approximately 60-70 Feet from Wetlands, including work previously approved in Application IWWC#09-39. 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 April 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 \$2000 will be submitted to the Inland Wetlands Office.
14. Wetlands Agent to inspect E/S prior to work starting; unanimously approved.

## **6. NEW BUSINESS:**

**A. IWWC#17-06 Owner: Marion and Gary Olson Applicant: Marion and Gary Olson Location: 864 West Wakefield Boulevard Proposal: Replace Existing Walkway and Float with New Standing Aluminum Dock.**

Marion Olson and Gary Olson appeared before the Commission regarding this application. Mr. Olson explained that they are seeking to replace their existing walkway and floating dock with a new standing aluminum dock. He explained that it

failed last year as it was leaking and unstable. Mr. Olson explained that the proposal is to replace it with one with legs and that it will come out of water every year. He noted that the size of the new dock will be 4'x26' which is two feet wider than what is presently there but also two feet shorter. It was noted that the stepladder depicted is only a ladder and not stairs.

**MOTION:** Mr. Nalette, Mr. Closson second, to accept Application IWWC#17-06 Owner: Marion and Gary Olson Applicant: Marion and Gary Olson Location: 864 West Wakefield Boulevard Proposal: Replace Existing Walkway and Float with New Standing Aluminum Dock, deeming the proposed activity as non-significant; unanimously approved.

**B. IWWC#17-07 Owner: Denise and Nicholas M. Mancini, Jr. Applicant: Denise and Nicholas M. Mancini, Jr. Location: 536 Wheelers Point Proposal: Addition of a Kitchen and Garage Dwelling.**

Denise Mancini and Nicholas Mancini appeared before the Commission regarding this application. Mr. Mancini reported that they are putting an addition onto their home at Highland Lake, which will involve a slab on grade with frost walls. He explained that they will be installing a silt fence between their property and their neighbors' property to control silt or anything that might travel down towards the lake. Mr. Mancini confirmed that the proposed addition is away from the lake and not closer to the water. Mr. Mancini noted that the existing asphalt driveway will be replaced with pervious pavers, pervious concrete, or pervious asphalt in its place. Mr. Nalette explained that the Commission will need to know for the next meeting what product the applicants will actually be using. Mr. Mancini confirmed that the roof drains will drain to a catch basin on the road. Mr. Nalette questioned what the coverage is currently and what the total is of the proposed coverage.

**MOTION:** Ms. Mulvey Mr. Nalette second to accept Application IWWC#17-07 Owner: Denise and Nicholas M. Mancini, Jr. Applicant: Denise and Nicholas M. Mancini, Jr. Location: 536 Wheelers Point Proposal: Addition of a Kitchen and Garage Dwelling, deeming the proposed activity as non-significant; unanimously approved.

Mr. Closson recused himself as a sitting member of the Commission at 8:04PM and took a seat at the Applicant's table.

**C. IWWC#17-08 Owner: Karen Tiernan Applicant: Matthew Closson Location: 61 East Lake Street Proposal: New 6'x40' Dock and Remove Old 2'x2' Concrete Pier.**

Mr. Closson addressed the Commission with regards to this application. He explained that there is an existing 40'x4' pressure treated dock. Mr. Closson noted that what is being proposed is to construct a new 40'x6' dock utilizing Trex® decking using two existing concrete piers that are in the water now. The existing dock is approximately 11' from the property line and will remain from that line with the two additional feet extending north, approximately sixteen (16') off the other littoral boundary, according to Mr. Closson. He noted that there are remnants of another pier as the existing deck may have at some point extended out that far. Mr. Closson noted that the applicants would like to remove that existing block of concrete as they deem it dangerous as they had a child suffer an injury from hitting it this summer.

It was noted that there is 32.84 feet of lake frontage. The Commission had several questions relative to the easement shown on the drawing, and the location of the pier to be removed. Mr. Closson noted that the plan is to bring a rubber-tracked machine to drag the old pier out of the water.

**MOTION:** Ms. Mulvey, Mr. Kiely second, to accept Application IWWC#17-08 Owner: Karen Tiernan Applicant: Matthew Closson Location: 61 East Lake Street Proposal: New 6'x40' Dock and Remove Old 2'x2' Concrete Pier, deeming the proposed activity as non-significant; Motion passed with Ms. Mulvey, Mr. Kiely, Mr. Nalette, Mr. Davenport, and Mr. Molinelli voting aye.

Mr. Closson rejoined the Commission at 8:14PM.

**D. IWWC#17-09 Owner: Town of Winchester Applicant: Town of Winchester Location: West Wakefield Boulevard Proposal: Install Boat Lift Besides Dock for Police Use.**

Mr. Sadlowski explained that the Town of Winchester Police Department received a donation of a boat lift. It was noted that this lift would be installed to the south side of the public beach, in the spot where the police boat is presently kept. It was noted that the dimensions of the lift are 9'x12'. The Commission indicated that they would like a survey of the town-owned parcel depicting the littoral boundaries.

**MOTION:** Mr. Closson, Mr. Kiely second, to accept Application IWWC#17-09 Owner: Town of Winchester Applicant: Town of Winchester Location: West Wakefield Boulevard Proposal: Install Boat Lift Besides Dock for Police Use deeming the proposed activity as non-significant; unanimously approved.

**E. IWWC#17-10 Owner: Eric Richard Applicant: Eric Richard Location: 71 East Lake Street Proposal: Return Crumbling Cement Ramp Into Lake to Its Original State.**

Eric Richard appeared before the Commission regarding this application. He noted that he had been advised from neighbors that the area that is the subject of this application used to be a little inlet that at some time had concrete installed over it. Mr. Richard reported that the concrete is crumbling, eroding and falling into the lake. He explained that he is seeking to remove it and make it into a little inlet.

Ms. Mulvey questioned what is under the concrete. Mr. Richard noted that he is going to leave whatever existed prior to the concrete being poured over it. He noted that he has cement blocks that are 10'x7'x8' and plans to step it back as depicted in the drawings in his application.

**MOTION:** Mr. Kiely, Mr. Nalette second, to accept Application IWWC#17-10 Owner: Eric Richard Applicant: Eric Richard Location: 71 East Lake Street Proposal: Return Crumbling Cement Ramp Into Lake to Its Original State deeming the proposed activity as non-significant; unanimously approved.

**F. IWWC#17-11 Owner: John and Valerie Lochner Applicant: John and Valerie Lochner Location: 539 Wheelers Point Proposal: To Install a Boat Ski Lift, a Jet Ski Lift and a Buoy**

The Commission reviewed and discussed this application. Mr. Sadlowski explained that there is quite a bit of lakefront with this application. It was noted that only three vessels could be in the water. It was also noted that the Commission would like the applicants or a representative at the next meeting.

**MOTION:** Mr. Closson, Mr. Nalette second, to accept Application IWWC#17-11 Owner: John and Valerie Lochner Applicant: John and Valerie Lochner Location: 539 Wheelers Point Proposal: To Install a Boat Ski Lift, a Jet Ski Lift and a Buoy, deeming the proposed activity as non-significant; Motion passed with Mr. Closson, Mr. Nalette, Ms. Mulvey, Mr. Molinelli, and Mr. Davenport voting aye while Mr. Kiely abstained.

**7. OTHER BUSINESS:**

**A. Dock and Mooring Ordinance.**

Mr. Nalette indicated that he would like this ordinance to be reviewed by Dr. George Knocklein or Northwest Conservation District Executive Director Sean Hayden, noting that he wants to be sure that the language in the ordinance, as reviewed by the town attorney, will accomplish what the Commission is hoping to accomplish.

**B. Proposed Bubbler Ordinance.**

Mr. Nalette again reiterated that he would like an expert opinion based on scientific evidence what effects on water quality bubblers have.

**8. AGENT ACTIONS:**

**A. Determinations.**

None.

**B. Warnings/Violations.**

None.

**9. COMMUNICATIONS AND BILLS:**

The Commission received the Winter, 2017 edition of The Habitat published by CACIWC (Connecticut Association of Conservation and Inland Wetlands Commissions. Mr. Nalette reported that Trails Weekend is coming up on the first weekend in June. He noted that he will be hosting a swamp walk. Mr. Kiely reported that the State was recently in town to do a water clarity check of the Mad River and that their representative had indicated that it is supposedly the cleanest river in the state that runs through a downtown area. Ms. Mulvey reported that she will be attending the Connecticut Federation of Lakes Conference on Saturday, April 29, 2017.

**10. ADJOURN:**

**MOTION:** Mr. Nalette, Mr. Kiely second, to adjourn at 8:51PM; unanimously approved.

Respectfully submitted,  
Pamela A. Colombie  
Recording Clerk