



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

Absent excused was Mr. Gene Berlinski. It was noted that Mr. Bob Haburey, Ms. Jackie Mulvey, and Mr. Stephen Molinelli were absent.

3. APPROVAL OF MINUTES – JANUARY 18, 2017:

MOTION: Mr. Nalette, Ms. Tremblay second, to approve the January 18, 2017 Minutes; Motion passed with Ms. Tremblay, Mr. Nalette, and Mr. Closson voting aye while Mr. Kiely and Mr. Davenport abstained.

4. AGENDA REVIEW:

MOTION: Mr. Nalette, Ms. Tremblay second, to add under *New Business: IWWC#09-39 Modification Applicant: Donald LaPointe Owner: BNJ Real Estate LLC Location: 290 Colebrook Road Proposal: To Construct 24'x32' Pole Barn in Rear of Property Approximately 60-70 Feet from Wetlands*; unanimously approved.

MOTION: Mr. Nalette, Mr. Kiely second, to add under *Other Business: Update on Groppo Drive Site Drainage Issues*; unanimously approved.

5. OLD BUSINESS:

A. Cease and Desist and Restore Order Owner: Stephen P. Chomak Operator: Scott Bachand Location: Torrington Street Map: 045, Block 158, Lot 008B.

Scott Bachand appeared before the Commission regarding this application. Mr. Sadlowski provided a copy of an aerial photograph of the subject property taken about a year earlier.

Mr. Bachand noted that the pond on the right has been cleaned out and that he seeks to clean out the other one. He explained that the mud is six inches deep and that it generates many mosquitos. Mr. Nalette questioned whether there was an inlet and outlet or whether it pours in and drains out. Mr. Bachand noted that it flows in and does not go directly into the pond but kind of flows in and around the berm.

Mr. Bachand indicated for the commission where the property line was located and where the water flows. In response to an inquiry from Mr. Kiely regarding how close the work would be to the property line, Mr. Bachand indicated he would not be near the line.

Mr. Bachand reviewed the drawings, noting that he would be working around the trees that are there. Mr. Nalette questioned the amount of ground water on the site. It was noted that the pond does not overflow as there are three eighteen-inch pipes going under the driveway and then leaches down the back of the berm but remains on the subject property. Mr. Bachand indicated that the tillings will be loaded into a truck and brought up the hill for on-site disposal. He

noted that he may screen them and use somewhere on the property. Mr. Bachand noted that the dimensions of pond will remain the same, only deeper. Contours were briefly discussed, noting that the subject area is fairly flat.

MOTION: Mr. Closson, Mr. Kiely second, to approve Application IWWC #15-19 Modification per submitted plan Map 045, Block 158, Lot(s) 008B Zone: R2. 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 March 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 \$2500 will be submitted to the Inland Wetlands Office.
14. Meet with Wetlands Agent prior to work starting to discuss material permit; Motion passed with Mr. Closson, Ms. Tremblay, Mr. Kiely voting aye while Mr. Nalette and Mr. Davenport abstained.

6. NEW 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.

Mr. Sadlowski reported that the home is basically the same size and is only being slightly squared off. He noted that the applicant's narrative indicated that silt fence and drywell will be installed as part of the attached drawings and that the roof liters will go into a drywall. Mr. Sadlowski reported that the applicant also seeks to pour a new concrete slab under the

garage, too. Mr. Nalette questioned what the coverage will be and what will be occurring with the basement. Mr. Sadlowski noted that it will have a new modern basement and will include converting former crawl space into a full basement. He noted that the footprint of the dwelling will basically be the same. Mr. Kiely questioned whether it will be a walkout basement now and if the home's height is going up. Mr. Sadlowski confirmed that it will be a full basement.

It was noted that the lake elevation at the retaining wall was not noted on the plans. Mr. Nalette questioned whether there will be blasting at this location. Mr. Sadlowski noted that the applicant had not indicated that there would be. Mr. Nalette had questioned the footing drains. Mr. Sadlowski had indicated that none were shown on the drawings submitted.

Mr. Nalette noted that the Commission is seeking the lake elevation, the location of the footing drains, and elevations of the dry well. Mr. Nalette questioned whether there is anything with this property that would prevent the proposed dwelling from being pushed further back and away from the lake. The Commission indicated their preference that the applicant be present at the next meeting.

MOTION: Mr. Nalette, Mr. Closson second, to continue the application in the matter of 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; unanimously approved.

B. IWWC#17-03 Owner: Stacey Brady and David Brady Applicant: Stacey Brady and David Brady Location: 87 East Lake Street Proposal: Addition of a 6'x10' Swim Dock.

David Brady appeared before the Commission regarding this application. He explained that he was seeking approval for a water boulder in the lake or a swim dock as a secondary choice. Mr. Brady confirmed that commissioners had received his revised drawings after having the chance to take precise measurements of the lake front and location of current dock.

Mr. Nalette reported that the historical practice of this Commission is to count individual objects as individual objects when counting towards the aggregate. Mr. Brady spoke of a previous owner who had proposed jet ski lift and was denied.

It was noted that items are not allowed to protrude more than fifty (50') into the water. Mr. Brady indicated that the proposal would not protrude that far out. It was indicated that the boulder was too large pursuant to the Inland Wetlands Watercourses Regulations.

MOTION: Mr. Nalette, Ms. Tremblay second, to approve Application #17-03 Addition of a 6'x10' Swim Dock 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 March 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; unanimously approved.

C. IWWC#09-39 Modification Applicant: Donald LaPointe Owner: BNJ Real Estate LLC Location: 290 Colebrook Road Proposal: To Construct 24'x32' Pole Barn in Rear of Property Approximately 60-70 Feet from Wetlands.

Mr. Sadlowski explained that the owner has a previous approval to build a home on this property and that it just expired. The applicant now seeks to construct a barn on this property, according to Mr. Sadlowski. Consensus of the Commission was that the applicant would need to return with a new application.

MOTION: Mr. Nalette, Ms. Tremblay second, to direct the Wetlands Agent to direct the applicant to resubmit this as a new application due to its expired status and recommend to the Board of Selectmen that the prior application fees be carried forward to this application; unanimously approved.

7. OTHER BUSINESS:

A. Update on Groppo Drive Site Drainage Issues.

Mr. Sadlowski provided copies of a photograph of an old catch basin that the State had installed temporarily. He reported that the State came in and removed the old headwall which was collapsing and replaced the old pipe. Mr. Sadlowski reported that Mr. LaPointe has indicated that this was the extent of the work he could get the State to do. Mr. Sadlowski described the plans that Mr. LaPointe has in terms of correcting the drainage issue at this site. He noted that Mr. LaPointe seeks to go straight back with a pipe about a third of the way down the property, straighten out the area that darts out to the left (when looking down the site toward the road), and then install a riprap swale, along with a couple plunge pools, down to the lower structure at Groppo Drive. Mr. Sadlowski reported that Mr. LaPointe has volunteered to work with the Department of Public Works to clean out the drainage across the street.

The consensus of the Commission was that this activity could be referred to Mr. Sadlowski for an agent determination.

B. Dock and Mooring Ordinance.

MOTION: Mr. Nalette, Mr. Closson second, to table review of the Dock and Mooring Ordinance pending Dr. George Knocklein, or someone with similar expertise, to come to a meeting and make recommendations; unanimously approved.

C. Proposed Bubbler Ordinance.

The Consensus of the Commission was to request that Dr. George Knocklein be invited to a meeting to advise the effects of bubblers on water quality.

8. AGENT ACTIONS:

A. Determinations.

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

Mr. Sadlowski explained that this property has an existing deck which the applicant is seeking to enclose, and to add a small addition onto the deck requiring three or four Sonotubes. Mr. Sadlowski noted that he had done an agent determination in this matter.

Mr. Nalette indicated that he is not comfortable with the enclosure of decks, thereby increasing the amount of impermeable coverage.

The Commission questioned what the applicant will be doing with down spouts of the gutters and where the discharge will flow and size of the lot.

MOTION: Mr. Nalette, Mr. Kiely second, to accept IWWC #17-04 Owner: One Hundred Seventy Eight Shore Drive Applicant: Ed Smith Location: 178 Shore Drive Proposal: Enclose 12'x16' Room on Existing Deck; Proposed 10'x16' Deck Extension; unanimously approved.

B. Warnings/Violations.

None.

9. COMMUNICATIONS AND BILLS:

None.

10. ADJOURN:

MOTION: Mr. Kiely, Mr. Closson second, **to adjourn at 8:49PM; unanimously approved.**

Respectfully submitted,

Pamela A. Colombie
Recording Clerk