



**Town of Winchester
INLAND WETLAND & WATERCOURSES COMMISSION**

January 18, 2023 - 7:00 PM

Town of Winchester Town Hall
338 Main Street – 2nd Floor – P. Francis Hicks Room

SPECIAL MEETING MINUTES

1. CALL TO ORDER/ROLL CALL:

Chairman Steve Molinelli called the meeting to order at 7:01 PM. Mr. Molinelli, Ms. Mulvey, Ms. Krawiecki, Mr. Lippincott, Ms. Marino, Mr. Olivieri, and Mr. Paganelli were present. Mr. Davenport was absent excused. Also present was Wetlands Agent Michael Stankov.

2. APPROVAL OF MINUTES – December 14, 2022 SPECIAL MEETING:

No discussion.

MOTION: Ms. Mulvey, Ms. Marino second, to approve the minutes of the December 14, 2022 Special Meeting; unanimously approved.

3. AGENDA REVIEW:

As this meeting was a special meeting, no changes were made to the agenda.

4. PUBLIC HEARINGS:

A. IWWC #22-44 Owner: Estate of Kenneth J. Fracasso/Fracasso Realty Applicant: KJ Fracasso Industries Location: 137 Torrington Road Proposal: Earth Excavation and Movement in proximity to Still River.

Robert Colabella, Senior Project Engineer with Lenard Engineering, appeared before the commission on behalf of the applicant. Mr. Colabella noted that he had received the report from the commission's independent engineer, Mike Sherman of MGS Engineering, and found no issue with any of the comments, concerns, or recommendations contained therein. Mr. Colabella presented new plans that had been revised in accordance with the engineer's comments, noting the various piles that have been excavated to this point and the work that remains to be done. He noted the erroneously filled wetlands channel and spoke about the restoration plans for the channel, including the revisions suggested by MGS Engineering.

Mr. Paganelli asked Mr. Colabella to speak to the limits of restoration intended for the project. Mr. Colabella called out the edge of the area to be seeded and topsoiled, which included no area within the wetlands.

MOTION: Mr. Molinelli, Mr. Olivieri second, to close the public hearing for application IWWC 22-44;
unanimously approved.

5. OLD BUSINESS:

A. IWWC #22-44 Owner: Estate of Kenneth J. Fracasso/Fracasso Realty Applicant: KJ Fracasso Industries Location: 137 Torrington Road Proposal: Earth Excavation and Movement in proximity to Still River.

MOTION: Mr. Lippincott, Mr. Paganelli second, to approve application IWWC 22-44 with standard conditions of approval 1-12 as well as the following condition:

13. An \$8000 Bond for Erosion and Sedimentation Control to be filed with the Land Use Office before start of project;

unanimously approved.

B. IWWC #22-47 Owner/Applicant: Josh Paradis Location: Preston Road (Lot 13 of Winchester Ridge Subdivision) Proposal: Construction of a New Single-Family Home.

Robert Colabella, Senior Project Engineer with Lenard Engineering, appeared before the commission to discuss this application. Mr. Colabella reminded the commission that this application is exclusively an approval for the Erosion and Sedimentation Control Plan, and there are no wetlands within 150 feet of the intended work area. Mr. Colabella then discussed the details of the plan, noting small changes that had been made from the previous meeting including the addition of a retaining wall along an existing drainage ditch to prevent sedimentation from filling this ditch.

Mr. Stankov questioned the design of the catch basin and the ease of clean out. Mr. Colabella explained that the catch basin located on the property would feature a two-foot sump to catch sediment and could be cleaned relatively easily by a vacuum truck from the driveway. Mr. Olivieri noted that this was a major improvement over any drainage that was currently located on the lot.

Mr. Molinelli referenced the two letters that had been received by the commission from surrounding property owners who were concerned about the proposed development. Mr. Colabella acknowledged having reviewed the letters and that he had contacted both neighbors to address their concerns. Mr. Colabella noted the new proposed retaining wall on the lot and discussed the plans to install riprap at the outflow of the drainage pipe that will function to accept all the water from this lot. He reviewed the design for the drainage basin for the site and the surrounding land, noting that most of the water on his client's lot is coming from other parcels and opined that the majority of water problems in the area actually originate from a hill to the north of his client's property.

As both property owners were present at the meeting, Mr. Molinelli addressed them and invited them to speak if they had anything to say. Peter Sebben of 105 Preston Road and Winchester Land Trust President Jen Perga spoke in favor of the revised plans. Ms. Perga noted that she is hoping to work with Mr. Colabella and the Town of Winchester to get the riprap installed at the end of the culvert near the land of the Winchester Land Trust.

MOTION: Mr. Lippincott second, Ms. Mulvey second, to approve application IWWC 22-47, with standard conditions of approval 1-12 as well as the following conditions:

13. A \$2500 Erosion and Sedimentation Control bond be submitted to the Planning Department before construction begins.

14. Riprap outlet protection will be installed at the outlet of the drainage pipe on the Winchester Land Trust property across the street from the applicant's property, as per submitted plans;

unanimously approved.

6. New Business:

A. IWWC #22-49 (Modification of IWWC#22-32) Owner: Ledgebrook, LLC Applicant: Palm Coast Capital, LLC Location: New Hartford Road (Map 034, Block 158, Lot 001E-2) Proposal: Construction of new Tractor Supply Company Retail Store, to Impact 0.561 acres of 75' Upland Review Area for Construction of Stormwater Quality Basin, Parking Area, and Fenced Outdoor Display Area.

Matt Darling, of Palm Coast Capital LLC, appeared before the commission alongside Jim Cassidy, Professional Engineer of Hallisey, Pearson, and Cassidy, Matt Davison of Davison Environmental, and Lew Wise, attorney for Palm Coast Capital, to present modifications to the previously approved plan. Mr. Cassidy spoke to these modifications, which constitute moving the proposed development further west, away from the wetlands located in Barkhamsted. He explained that the proposed design will reduce the amount of impervious surface coverage on the lot by reducing parking and will tie the proposed drainage system into the existing drainage system for the adjacent mall. Mr. Cassidy then spoke to his efforts to minimize cuts in elevation near the wetlands and changes to the drainage system which he explained would allow for better infiltration of on-site water. These changes reduced the impact of the project in the Upland Review Area, according to Mr. Cassidy.

Mr. Davison reviewed his delineation of the wetlands systems on the site and discussed their functions and values. Mr. Davison noted that the only wetlands whose Upland Review Area were being worked within were originally manmade, and opined that the work proposed should continue to capture sediment and attenuate water flow after the development and would not be adversely affected by the proposed work. He recommended native plantings around the wetlands to enhance these wetlands functions as well as plantings for the basins to attenuate pollutants.

Mr. Stankov reported receipt of a verified pleading of environmental intervention just before this meeting, noting that a copy had been distributed to commissioners. He explained the intervention process, referring to

Connecticut General Statutes Section 22a-19. He noted that the law charges the commission to consider whether the proposed activity is reasonably likely to damage the public trust in air, water, and land. He cautioned them that if they do indeed find that the proposed project is likely to do so, the commissioners may not approve such a project if there is any feasible and prudent alternative to the project. Mr. Stankov explained that the intervener was now a party to the application and has all the rights of any applicant. He reported that he had not been able to send the verified pleading to the Town Attorney yet.

Attorney Wise indicated that the Intervener becomes a party for the purposes of addressing the environmental concerns and opined that the intervener has the burden of proving to the commission that the claims made are true.

Mr. Mollinelli questioned whether the commission could forgo taking action on the application at this meeting other than accepting it. Mr. Stankov confirmed.

Attorney Joseph Mortellini, of Cramer and Anderson, representing the intervener Thomas Kandefer, addressed the commission. He agreed that it would be his client's burden to provide facts and prove the allegations they have raised. Attorney Mortellini reported that an engineer had examined the plans and had provided a report which was attached to the pleading. He further noted that the commission would have to make a determination based on the intervener's information, the information provided by the applicant, and the information of any third party engineer the commission retained.

Discussion ensued regarding what actions should be taken at this meeting and whether a third-party review ought to be sought on both the application and information provided by intervenor. The consensus of the commission was to that additional time be taken to review the documents filed by the intervenor and to request the Town Attorney be consulted.

MOTION: Mr. Molinelli, Mr. Lippincott second, to accept application #IWWC 22-49, making no finding of significant impact or any matter related to the intervention until after testimony from the intervener could be heard at a subsequent meeting and the veracity of the claims considered;

unanimously approved.

B. IWWC #23-1 Owner: East Coast Assistance Dogs, Inc. Applicant: Allan Borghesi, Borghesi Building & Engineering Co., Inc. Location: 149 Newfield Road Proposal: Shift Location of Proposed New Building and Eliminate Alley Between Proposed New Building and Parking Lot to East.

Allan Borghesi, Professional Engineer from Borghesi Building, appeared before the commission with modifications to the approved permit for construction of a second building at ECAD. He reviewed copies of plans originally designed by the former design engineer, Jason Dismukes. Mr. Borghesi noted that his modifications were evident through an overlay of the previous plans prepared by Mr. Dismukes. He noted that the original design by Mr. Dismukes featured a tall retaining wall between the building and the existing parking lot, and that he had concerns about the safety of such a structure. He espoused the opinion that the site would be safer and more efficient if the building could be moved to be flush with the hillside, a process that would allow handicap entry from the existing parking lot and not require the second parking lot to be constructed for the site.

Staff questioned whether the proposed modifications caused any changes to the drainage patterns on the site. Mr. Borghesi indicated that he was keeping all drainage features the same. It was noted that several grade changes along the base of the building would be needed to move the building. Mr. Borghesi indicated that those changes would not impact the planned drainage basins, and that the disturbance caused by building in the new location would be located further from the wetlands.

The commission discussed, and noted that they would prefer a new CAD drawing instead of the hand drawn overlay that Mr. Borghesi had put together for the meeting. He noted that the original site engineer Jason

Dismukes had not given him the drawing when he asked, and that he was hoping to avoid needing to redraw the plans entirely from scratch, as doing so would be expensive and time consuming. The commission noted that they would at least require a cleaner rendering of the original building location and the new proposed location, even if rendered by hand. The commission also requested that staff provide them with copies of old comments, minutes, and the previous approved plans so that they can compare to their past approvals.

MOTION: Ms. Mulvey, Mr. Paganelli second, to accept application #IWWC 23-1, finding it not to be a significant impact;

unanimously approved.

C. IWWC #23-2 Owner/Applicant: Maureen Pizzano Location: 148 East Wakefield Boulevard Proposal: 40'x4' Dock and Boatlift.

Maureen Pizzano appeared before the commission regarding this application. She explained that her existing dock needed to be replaced. It is currently located very close to the edge of the property boundary, according to Ms. Pizzano. She would like to move the dock and boatlift closer to the center. It was noted that as the property is only thirty (30') feet wide and the waterfront and the combined dock and boat lift were fourteen (14') feet wide, there was no place for Ms. Pizzano to install her desired water structures without violating the littoral setbacks listed in the Dock and Mooring Ordinance. It was determined that a public hearing was required for approval for the proposed water structures. It was also noted that Ms. Pizzano should return to the commission with an exact location of her structures called out on her survey.

MOTION: Ms. Mulvey, Mr. Paganelli second, to accept application #IWWC 23-2, finding it not to be a significant impact, and to schedule a public hearing for violation of the littoral setbacks as mandated in the Dock and Mooring Ordinance;

unanimously approved.

7. AGENT ACTIONS:

A. Determinations.

Mr. Stankov reported that he had completed the Agent Determination for 115 West Wakefield Boulevard, as directed by the commission at their previous meeting.

B. Warnings

No warnings reported.

C. Violations.

Mr. Molinelli noted that Mr. Stankov had provided general updates to enforcement actions in his report, and asked that he only go over any new information that had occurred pertaining to the violations.

i. North Main Street (18.1 acre parcel located behind 493 North Main Street).

Mr. Stankov indicated that the Town Attorney was close to reaching an agreement for a permanent injunction over the various issues at the site and preventing any further work from occurring, as well as seeing the stabilization of the site.

ii. 308 East Wakefield Boulevard.

No discussion.

iii. 713 East Wakefield Boulevard.

No discussion.

vi. 257 Colebrook Road.

Mr. Stankov reported that the property owner had contacted him, reporting that he was working to get his application submitted.

vii. 203 West Wakefield Boulevard.

No discussion.

x. 102 Groppo Drive.

No discussion.

xi. 139 West Wakefield Boulevard.

No discussion.

9. Communications and Bills.

No discussion.

10. OTHER BUSINESS:

A. Timber Harvest on Colebrook Road (48.3 acre parcel owned by Sylvia Streitweiser)(003/152/042A).

Mr. Stankov noted the receipt of the notification of Timber Harvest at the property, and that the commission would need to determine whether the intended wetland crossing would lead to significant enough impacts to the wetland to require a wetlands permit. Discussion ensued. It was noted that the crossing of the wetlands would occur on an existing access route and that no new roads would need to be cut into the land.

MOTION: Mr. Paganelli, Ms. Marino second, to find the timber harvest to be an as-of-right activity that is not regulated by the commission;

unanimously approved.

B. Report from Department of Public Works Liaisons – Russ Davenport and Jeff Lippincott.

No discussion.

C. Report from Highland Lake Watershed Association Liaisons – Jackie Mulvey and Mary Ann Marino.

No discussion.

11. ADJOURN:

The meeting adjourned at 9:38 PM.

(From the notes of Wetlands Agent Michael Stankov)