

# Town of Winchester

Inland Wetlands & Watercourses Commission

Regular Meeting (Amended Agenda)

Wednesday May 17, 2023

Item 1 **Call to Order**

Meeting called to order by Chairman Molinelli promptly at 7:00pm

Attending Members	Stephen Molinelli (Chairman)	Jeffrey Lippincott
	Russell Davenport (Vice-Chair)	Gary Paganelli
	Jackie Mulvey (Secretary)	Frank Olivieri

Town Staff Members	Lance Hansen (Town Planner)
	Glenn Albanesius (Town Clerk)
	Jim Rollins (Public Works Director)

Item 2 **Approval of Minutes** -

\* Minutes of Regular Meeting on March 15, 2023

Motion - Comm. Davenport / Second - Comm. Paganelli

Vote to accept minutes - Yes (5) / Abstain (1) Comm. Mulvey

\* Minutes of Regular Meeting on April 19, 2023

Motion - Comm. Davenport / Second - Comm. Paganelli

Vote to accept minutes - Yes (4) / Abstain (2) Comm. Mulvey & Comm. Olivieri

\*Chairman Molinelli took time to acknowledge both Mary Ann Marino and Pam Colombie for the time and expertise they dedicated to the IWWC. Both will be missed but the Commission was fortunate to have had their time and service.

Item 3 **Agenda Review** - Chairman Molinelli alerted the Commission that he would slot Tom Grimaldi as next order of business as soon as he became present. Tom is the Project Engineer for the 212 West Wakefield coffer dam and construction project.

Item 4 **Show Cause Hearing**

A) Owner - Edmund Finn

Cease and Correct Order

Location - 52 Strong Terrace

Map - 112 Block / 079 Lot / 013B

Violation - Unpermitted Filling of Watercourse

\* Chairman Molinelli invited Mr. Finn to address the Commission and explain his response to the Cease and Desist and Restore Order dated May 16, 2023 signed by Lance Hansen Town Planner. Mr. Finn offered a detailed explanation of the property, the people involved and the excavation action that had taken place. There was some confusion as to the timeline when work had been done. Town Planner Hansen recommended the following action plan.

1) No more work to be done  
2) Town Land use rep to visit site and draft permitting plan for work already completed  
Commissioner Davenport requested that an A-2 Survey be completed  
Commissioner Olivieri requested that the Culvert size be correct  
Town Planner Hansen stated that a Driveway Permit must be secured  
Motion Statement - Continue Show Cause to the next scheduled Regular Meeting  
Motion - Chairman Molinelli / Second - Comm. Mulvay  
Vote to approve - Unanimous (6 - 0)

Item 5

**Public Hearings**

A) IWWC #23-2 (Public Hearing continued to June 21, 2023)

Owner/Applicant - Maureen Pizzano

Location - 148 East Wakefield Blvd

Proposal - 40' x 4' Dock and Boatlift

Motion Statement - Approve Applicants request of continuance to the next scheduled Regular Meeting.

Motion - Chairman Molinelli / Second - Comm. Mulvay

Vote to approve - Unanimous (6 - 0)

B) IWWC #23-13 (Public Hearing continued to June 21, 2023)

Owner - Town of Winchester

Applicant - Lance Hansen

Location - Point Location 41.9326 - 73.0619

Proposal - New Pavilion along the pond at Tatro Park

\*Lance Hansen recused himself as Town Planner and spoke as Applicant for Eagle Scout Pavilion Project.

\*Chairman Molinelli made note of previous concerns that the Application was not complete and there was no updated application in this meetings packet.

Chairman Molinelli also commented on a report that work had already been done prior to formal approval by the Commission. - Mr. Hansen explained only some garbage cleanup and some light weed clearing had occurred. He will secure permission from Jim Rollins for any brush or tree cutting.

Motion Statement - Approve Applicants request of continuance to the next scheduled Regular Meeting.

Motion - Chairman Molinelli / Second - Comm. Paganelli

Vote to approve - Unanimous (6 - 0)

Item 6

**Old Business**

A) IWWC #23-2 (Public Hearing continued to June 21, 2023)

Owner/Applicant - Maureen Pizzano

Location - 148 East Wakefield Blvd

Proposal - 40' x 4' Dock and Boatlift

Motion Statement - Approve Applicants request of continuance to the next scheduled Regular Meeting.

Motion - Comm. Olivieri / Second - Comm. Paganelli

Vote to approve - Unanimous (6 - 0)

B) IWWC #23-3

Owner/Applicant - Scott Bachand

Location - Tarringford Street

Proposal - Creation of Rear Pond / Erection of Structure and Fence

\*Chairman Molinelli asked Mr. Bachand to recap the requests before the commission.

Comm. Paganelli asked what the Structure and Pond would be used for.

Mr. Bachand explained that he had secured FARM status from the State of CT but had yet to get the Town to recognize this designation..

Comm. Paganelli explained that FARM status gave designees the right to build a pond as long as it, erect was less than 3 acres in size, erect structures and remove materials from the property as long as they aren't mined all without requirement of a permit.

Mr. Hansen explained that the reason the Town had not recognized the States FARM status was because a recent visit by the Assessors Dept revealed no farm crops. Mr. Bachand cited recent planting of 1000 Christmas Trees and several hundred Berry bushes. Mr. Hansen suggested that a revisit by himself and the Assessor to validate this claim was in order.

Since much work was initiated prior to receiving FARM status Chairman Molinelli recommended the Town Attorney review the situation and determine if the Town has any legal standing.

Mr. Hansen weighed in and explained that a "Cease and Desist" order had been placed on the property back in November of 2022. It was determined that no watercourse had been deviated.

Mr. Hansen further stated that the unpermitted structure that had already been built does need to be inspected by the Town and made compliant with current codes.

Chairman Molinelli requested that he be informed when the Town players agree to visit the property. He wants someone from the commission to hear firsthand how the questions and issues plan to be resolved.

Comm. Davenport raised the question about the necessity of a Public Hearing. This was met by disagreement by Mr. Bachand asking to see the law that required it. Chairman Molinelli explained. that it was at the Commissions discretion that Public Hearing be held. To make the point, he made the following motion.

Motion Statement - I make a motion to schedule a Public Hearing for Public Interest

Motion - Chairman Molinelli / Second - Comm. Davenport

Vote to approve - Yes (3) / No (3) Motion Fails

Chairman Molinelli invited Aaron Steeves to offer public comment

Mr. Steeves explained that the State FARM status by statute did NOT allow for sale of materials excavated from the approved property. He contended that Mr. Bachand had been getting paid for earth removed from his Tarringford property

Motion Statement - I make a motion to continue Application until the next scheduled Regular meeting.

Motion - Chairman Molinelli / Second - Comm. Lippincott

Vote to approve - Unanimous (6 - 0)

Item 9      Agenda item moved by Chairman Molinelli

\* Chairman Molinelli acknowledged Mr. Tom Grimaldi's arrival and asked him to provide an engineering update on the 212 West Wakefield waterfront construction project.

Mr. Grimaldi outlined the current status of the project and ended by confirming that all work was compliant with code and in his estimation being performed with the highest quality in mind.

C) IWWC #23-11

Owner - Lee Tenney and Rachel Tenney

Applicant - Lee Tenney

Location - 411 West Wakefield Blvd

Proposal - 10'x 30' Aluminum Dock to existing Pier

Mr. Tenney explained that his project had been finalized and the new dock ordered and scheduled for delivery. It measured a total of 10' wide and 30' long. Three sections will sit on top the flat section of an existing "submarine shaped " pier. No machinery is needed to complete the installation.

Motion Statement - "I make a motion to accept the approval of 23-11 with standard restrictions and No Bond needed."

Motion - Comm. Lippincott / Second - Comm. Davenport

Vote to approve - Yes (5) - Abstain (1) Comm. Mulvey

D) IWWC #23-13

Motion Statement - Approve Applicants request of continuance to the next scheduled Regular Meeting.

Motion - Chairman Molinelli / Second - Comm. Davenport

Vote to approve - Unanimous (6 - 0)

Item 7

**New Business**

A) IWWC #23-14

Owner Applicant - Robert and Tracy Bates

Location - 428 East Wakefield Blvd

Proposal - Install Double Jet Ski Lift / 3' Walkway / Lake Water fed Sprinklers

Note - Chairman Molinelli confirmed that Mr. Bate's request was indeed a New Application and not a modification of a previous application. Thus noted, tonight's action was labeled correctly as New Business.

The applicant gave a detailed explanation of the proposed installation of a Model 1200PWC Jet Ski Lift at his 428 East Wakefield lakefront residence. Additionally Mr. Bate's submitted a scaled drawing showing the location and size of the lift and 3' x 10' walkway.

A question was raised regarding the combined size of all Lake installed products but with 121.9 feet of waterfront property this concern was ruled a non issue.

The proposed sprinkler system will utilize a flex hose. Comm. Davenport asked for the written specs of the pump and hosing.

Chairman Molinelli requested language explaining the pipe trenching process.

Mr. Bates concluded with a commitment to a final landscaping plan including approved plantings.

Motion Statement - "Motion to accept application IWWC #23-14 for 428 East Wakefield Blvd for Robert and Tracy Bates for 2 Waverunner Lifts with a deck to use the Lake as a watersource for sprinklers."

Motion - Comm. Davenport / Second - Comm. Paganelli

No Public Hearing required

Vote to approve - Unanimous (6 - 0)

B) IWWC #23-15

Applicant - Katerina Korolov of Atlas Technical Consultants

Owner - Cumberland Farms, Inc.

Location - 115 Main Street

Proposal - Removal of Underground Storage Tanks at Gas Station

Hired contractor Kevin Noel detailed the proposed removal of three 8000 gallon Underground Gas Storage Tanks, Overhead Canopy, Underground Piping and Dispenser Units. He further explained the on-site demo process for the Tanks which included Tank Cleaning and Cutting and remediation of any potential soil contamination resulting from the removal process.

Excavated materials would be stored on impervious surface and covered by poly tarps.

The Commission recommended Hay Bales and Straw Wattles to add additional protection.

Lance Hansen or a Wetlands Commission rep to be included on the soil analysis report.

Motion Statement - "Motion to accept application IWWC #23-15 Cumberland Farms at 115 Main Street removal of 3 underground storage tanks and pumping system.

Motion - Comm. Olivieri / Second - Comm. Paganelli

No Public Hearing required

Vote to approve - Unanimous (6 - 0)

C) IWWC #23-16

Owner - Town of Winchester

Applicant - Dave Battista of Haley Ward Inc.

Location - 118 Colebrook River Road

Proposal - Rehabilitate Sewage Pumping Station #2

\*Dave Battista and Public Works Director Jim Rollins gave a very detailed explanation of the preparation and project construction work. The new pump station needs to be installed with the old system in operation. Approximately 2000 square feet of earth will be disturbed. While near a watercourse and in a flood plain there should be minimal threat to wetlands. Proper precautions including silt fencing will be installed.

Motion Statement - "Motion to accept application IWWC #23-16 for above ground pumpstation #2 at 118 Colebrook River Road for the Town of Winchester and the replacement of a submersible pumpstation."

Motion - Comm. Olivieri / Second - Comm. Mulvey

No Public Hearing required

Vote to approve - Unanimous (6 - 0)

D) IWWC #23-117

Owner - Town of Winchester

Applicant - Dave Battista of Haley Ward Inc.

Location - 470 North Main Street

Proposal - Rehabilitate Sewage Pumping Station #1

\*Dave Battista and Public Works Director Jim Rollins again gave a very detailed explanation of the second project which was similar to the first. The area of disturbed earth is slightly larger at approximately 3350 square feet. Proper waterway protections will be used.

Motion Statement - "Motion to accept application IWWC #23-17 Town of Winchester for the rehabilitation of Pumping Station #2 at 470 North Main Street.

Motion - Comm. Davenport / Second - Comm. Paganelli

No Public Hearing required

Vote to approve - Unanimous (6 - 0)

Item 10 B) Report from Department of Public Works Liaisons - moved up on the agenda by Chairman Molinelli

\*Director Rollins briefly gave a listing of Highland Lake work that was completed in advance of the Memorial Day holiday weekend. Projects included the following.....

Swept the roads twice

Headwalls and Waterways cleaned with Backhoe

Roadsides mowed

Storm Damage Brush removed

3 Rounds of Pot Hole patching with 1 more scheduled

Police Dept dock installed

Comm. Davenport asked about the Case Ave Bridge project. Mr. Rollins gave an overview of the project and efforts to keep demo debris from falling into the Mad River.

Item 8 **Agent Actions** - Agenda order changed by Chairman Molinelli

A) Determinations

IWWC #23-5

Owner / Applicant - Charles A. Moriniere-Boros

Location - 257 Colebrook Road

Proposal - Partial Reconstruction of Residence

\*Acting Wetlands Official Lance Hansen reported the following observations from late March site visit

\*Well on site - no pumping from the river

\*No Septic System - using a grandfathered cesspit

\*Redid house without a permit - Cease and Desist had been ordered

\*Silt Fence is in place - Lance to revisit

\*Muddy site without much sun but no visible contamination into the water

\* Ongoing blight still an issue

IWWC #23-10

Owner / Applicant - Brian Godin

Location - 352 West Wakefield Blvd

Proposal - Replace 18" Timber Retaining Wall with Stable Fieldstone Wall

\*Lance and Geoff Green met with applicant to discuss his project. No work has been started yet.

Chairman Molinelli reminded Lance that the issued easement expires on September 1st.

B) Warnings - None

C) Violations - None to report

Item 10

**Other Business**

A) Formal Action of Revised IWC Regulations per General Code Recommendations - No Action

B) Report from Department of Public Works Liaisons - (See above)

C) Report from Highland Lake Watershed Association Liaisons - No Report Offered

D) Appointment of Geoffrey Green as new Town of Winchester Inlands Wetlands Agent

Motion Statement - "I make a motion to appoint Geoff Green as the new Town of Winchester Inlands Wetlands Agent."

Motion - Comm. Davenport / Second - Comm. Paganelli

Vote to approve - Unanimous (6 - 0)

Item 11

**Adjournment**

\* Motion - Chairman Molinelli / Second - Comm. Davenport

To adjourn the meeting at 9:44pm

Vote to approve - Unanimous (6 - 0)

ATTEST:

Glenn Albanesius, Town Clerk

These Minutes are subject to formal approval at the next scheduled meeting. Any amendments, corrections or revisions will be noted in the next Meeting Minutes.