

Inland Wetland & Watercourses Commission

June 21, 2023 MINUTES

Town of Winchester Town Hall

338 Main Street – 2nd Floor – P. Francis Hicks Room

1. Call to Order/Roll Call

Chairman Stephen Molinelli called the meeting to order at 7:01pm. Commission members in attendance are Vice Chairman Russell Davenport, Secretary Jackie Mulvey, Jeffrey Lippincott, Frank Oliveri and Gary Pagnelli.

Chairman Molinelli states that there are three vacancies on IWWC if anyone in town would like to get involved.

2. Agenda Review

Several agendas were created for this meeting. The most current was worked on up until the start of the meeting.

3. Approval of Minutes – May 17, 2023 Regular Meeting

Chairman Molinelli makes mention of postponing the approval of these minutes because significant changes were made in the agenda and the minutes were (unspecified) “lacking”.

Chairman Molinelli makes the motion and Jackie Mulvey seconds the motion. All chairpeople are in favor of postponing the approval of May 17th minutes.

4. Public Hearing

A. IWCC #23-2

Owner/Applicant: Maureen Pizzano

Location: 148 East Wakefield Blvd

Proposal: 40'x4' Dock and Boatlift

The goal is to move the location of Maureen Pizzano's dock so that it is centered more on her property rather than the current location which is close to a neighboring boundary line. Jay Sullivan, a neighbor of Pizzano makes a public comment in support of the proposed new dock. After discussion, Chairman Molinelli makes a motion to accept the withdrawal of Pizzano's application with the understanding that she will resubmit her application with a more clear and better plan than what the board currently has. Russel Davenport 2nds the motion and the board unanimously accepts the motion.

Agenda is interrupted to discuss **212 West Wakefield Blvd (Communications Item 9):**

Tom Grimaldi is the engineer representing the Town of Winchester on a comprehensive and detailed project at this location. Tom provides an update on the progress of the project at 212 West Wakefield Blvd. Currently waiting on a report from the environmental wakebed specialists in order to see what needs to be done to restore the lakebed back to its original condition. Things that need to happen are the installation of retaining walls, excavators to clear out sediment from the lake and surveyors to install foot. Grimaldi reports that the site is a good working environment and things are coming along nicely; applicants are very

accommodating. The biggest concern from the board is that the lakebed be restored to what it was originally supposed to look like. Grimaldi will make sure that the lakebed is restored according to compliance with the lakebed specialist report. Grimaldi will also make sure that this report from the lakebed specialist will be submitted to the commission the day before the next IWWC meeting.

B. IWCC#23-13

Owner: Town of Winchester

Applicant: Lance Hansen

Location: Point Location 41.9323, -73.0619

Proposal: New Pavilion Along the Pond at Tatro Park

Town Planner Lance Hansen introduces Eagle Scout candidate Nicholas Waters to present proposal for pavilion. The proposed pavilion will specifically be 12 by 16 feet and is presented in detail by Waters to the board. Land surveyor Joseph Whynott explains his completed survey for the pavilion and plans for staking out the site prior to construction. Whynott and Lance Hansen agree in front of the board that the survey is complete, and he will volunteer his time to stake out the property. Molinelli suggests that Geoff Green be part of this process and Whynott agrees. If anything needs to be shifted in the plans Asst. Town Planner Green will be included and sign off with approval to do so. Molinelli thanks Nicholas Waters for his presentation, it was well received. Jackie Mulvey makes a motion to close public hearing. Motion is seconded by Jeffrey Lippincott and the board unanimously approves.

5. Old Business

IWCC #23-2

Owner/Applicant: Maureen Pizzano

Location: 148 East Wakefield Blvd

Proposal: 40'x4' Dock and Boatlift

Based on public hearing comments, Pizzano has withdrawn her application. Chairman Molinelli makes a motion to accept Pizzano's withdrawal and motion is seconded by Gary Paganelli. All board members are in favor.

IWCC #23-13

Applicant: Lance Hansen

Location: Point Location 41.9323, -73.0619

Proposal: New Pavilion Along the Pond at Tatro Park

Russell Davenport makes a motion to accept the pavilion proposal at Tatro Park. Gary Paganelli seconded the motion and all board members are in favor.

IWCC #23-3

Owner/Applicant: Scott Bachand

Location: Torringford Street

Proposal: Creation of Rear Pond, Erection of Structure and Fence

Time has expired and the board needs to make a motion; applicant Scott Bachand is looking for farm status from the town and currently has this status from the state. Town Planner Hansen addressed the board and recaps that the assessor's office denied Bachand's application for farm status and he will need to reapply in the fall. Bachand has planted Christmas trees and fruit trees which would qualify him for farm status, BUT Bachand created a pond on his property and has been conducting business (distribution of mulch, firewood and compost) without permission for several years.

Chairman Molinelli met with the town assessor and relays the message that Bachand was denied Farmland status because he did not apply during the window of time that the assessor's office entertains applications for farm status. Bachand argues that he did apply during the correct time period and has a date stamped copy from the town manager's assistant. Molinelli responds and says that either one of them, Bachand or Molinelli, have been misinformed.

Ultimately, Bachand would like to obtain permits for the work he has already done on his property. He would like to clear up his mistakes. Bachand presents the board with his farm status from the state, however it has his neighbor's address attached to it. Chairman Molinelli reports that the tax paperwork containing farm status from the state has an address crossed out and hand-written (the original address is not legible), whereas the rest of the document is typed. Thus, the question is posed, how much credibility does this document have, if items have been altered, crossed out and hand-written? Per Molinelli this is not a credible document. Should the board approve the creation of a pond that was built five years ago, along with the erection of a structure and a fence all which were created prior to the applicant applying for a permit. This would give credence to something that was done illegally without permission. Motion to approve IWWC #23-3 application by Russell Davenport and seconded by Gary Paganelli. Motion passes 4-1, denied by Chairman Molinelli and Jackie Mulvey abstains.

IWCC#23-14

Owner/Applicant: Robert Bates and Tracy Bates

Location: 428 East Wakefield Blvd

Proposal: Double Jet Ski Lift, 3' Walkway and Use of Lake Water for Sprinklers

Russell Davenport makes a motion to approve IWCC #23-14, Gary Paganelli seconds the motion to approve and all board members unanimously approve.

IWWC #23-15

Applicant: Katerina Korolov, Atlas Technical Consultants

Owner: Cumberland Farms, Inc.

Location: 115 Main Street

Proposal: Removal of Underground Storage Tank at Gas Station.

Kevin Noel with SRS petroleum is a contractor who will be performing the tank removals and site restoration. Project will take about six weeks to complete. Chairman Molinelli proposes a bond of \$4,000 which applicant will need to post to the town. After the project's completion and clearance is granted, the applicant may request to receive \$4,000

bond back. Russell Davenport makes a motion to approve application IWWC #23-15, Gary Paganelli seconds the motion and board members unanimously approve.

IWWC #23-16

Owner: Town of Winchester

Applicant: David Battista – Haley Ward, Inc.

Location: 118 Colebrook River Road

Proposal: Rehabilitate Sewage Pumping Station #2

David Battista (Haley Ward, Inc.), representing the town of Winchester, and Public Works Director Jim Rollins address the board. A detailed plan is given to board members for review. After discussion, Russell Davenport approves, Gary Paganelli seconds the motion, and all board members are in favor of the motion.

IWWC #23-17

Owner: Town of Winchester

Applicant: David Battista – Haley Ward, Inc.

Location: 470 North Main Street

Proposal: Rehabilitate Sewage Pumping Station #1

Jackie Mulvey makes a motion to approve application IWWC #23-17, Gary Paganelli seconded, and the board agrees unanimously.

6. New Business

A. IWWC #23-9

Owner/Applicant: James Pagano

Location: 840 East Wakefield Blvd

Map: 044 Block: 108 Lot: 021-26

Proposal: Repair existing concrete retaining wall.

Presentation available via TV screens. A survey by Peter Keefe shows that a portion of the retaining wall was on town property. The Board of Select granted an easement and at a public hearing it was approved for Pagano to fix his retaining wall. Pagano has hired an engineer and contractor to complete the work at his home on the wall. At this point, the board has no concerns and will entertain this proposal, accept the application and vote at next month's meeting. Motion to accept IWWC #23-9, Jackie Mulvey, seconded by Frank Oliveri and unanimously approved.

B. IWWC #23-8

Owner/Applicant: Tony Telensky

Map: 044 Block: 108 Lot: 031

Location: 816 East Wakefield Blvd

Proposal: Permit to install 10x10 boatlift adjacent to existing dock.

Applicant did not show. Chairman Molinelli suggests it may be necessary to have a public hearing, depending on where the dock will be located. Molinelli makes a motion to accept

application IWWC #23-8 as it is, without prejudice, Gary Paganelli seconded, and the board unanimously approves.

7. Warnings

None

8. Violations.

139 West Wakefield Blvd – in past year the landowner had illegally rented out dock space that essentially created a second marina, which our ordinance does not allow for. After the town went to court on this matter, this board tried to put a stop to this violation in the past. The homeowner has somehow circumvented the legality of it and has continued despite board's position. 1% of the property was quit-claimed to three different individuals, which now makes these three individuals part owner of the property. Town Attorney Kevin Nelligan did give a ruling on this matter; whether the homeowner was allowed to take the action that she did. Per Nelligan, the ordinance does limit each dock to three vessels, so this part is acceptable. The vessels, however, need to be registered to the holder of the permit. The permit for the dock is issued to Michele Babij, (which is out of compliance). The issue goes back to 2012 and because she's up to it again, Asst. Town Planner Geoff Green suggests we go back to Nelligan with this and will follow up next month with the town attorney's ruling. Babij seems to be in Violation of Dock and More ordinances.

52 Strong Terrace – Emond Finn (homeowner) has applied for a driveway permit. Geoff Green mentions that perhaps he needs to apply for a wetlands permit as well. Restoration of wetlands is in order. Work was done by renters and was not ordered by the homeowner. Neighbor speaks to board about the condition of this property and how the conditions affect her property and property values. Neighbor reports the property contains weeds, dead trees and looks terrible. Tenants moved out and left a mess. Cease and restore is discussed. Chairman Molinelli makes a motion that Geoff Green pursues a Cease and Restore Order issued to the owner of 52 Strong Terrace, Mr. Edmond Finn. Jackie Mulvey seconds this motion, and the board unanimously agrees.

9. Communications

See Page 1.

10. Other Business

Jim Rollins provides an update on the Department of Public Works, though does not have much as he has been away on vacation.

Mentions a 14-day appeal period where someone can appeal an approval from the board. After 14 days, if no one has appealed, project is good to go. Sweeping around the lake and removal of erosion controls at Taylor Brook. Signs indicating the road is closed have to remain up until the final signature on the project.

11. Adjournment

Jeffrey Lippincott made a motion to adjourn the meeting at roughly 9pm. Jackie Mulvey seconded the motion and all board members approved.

Respectfully submitted,

Lauren Dombrowski, CCTC