

Town of Winchester

Inland Wetlands & Watercourses Commission

Regular Meeting (Amended Agenda)

Wednesday August 16, 2023

Item 1 **Call to Order**

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

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

Town Staff Members	Geoff Green (Assistant Town Planner)
	Glenn Albanesius (Town Clerk)

Item 2 **Approval of Minutes** -

* Minutes of Regular Meeting on May 17 15, 2023

Motion - Comm. Davenport / Second - Comm. Lippincott

Vote to accept minutes - Unanimous (7 - 0)

* Minutes of Regular Meeting on July 19, 2023

Motion - Comm. Olivieri / Second - Comm. Paganelli

Vote to accept minutes - Unanimous (7 - 0)

Item 3 **Agenda Review** - Chairman Molinelli noted that he would not begin any new business after 10:30pm

Item 4 **Public Hearings**

A) IWWC 23-2-1

A) Owner / Applicant - Maureen Pizzano

Location - 148 East Wakefield Blvd

Proposal - 30 or 40' x 4' Dock and Boatlift

Application Submitted - 7/11/2023

Application 65 Day Review Period - 9/14/2023

The Public Hearing for IWWC 23-2-1 was opened by Chairman Molinelli. The applicant explained her wish to extend the current dock at 148 East Wakefield Blvd from the existing 15 feet in length to either 30 or 40 feet. Mrs. Pizzano acknowledged wanting to make sure whatever location plan that was approved would not create any ill will with her neighbors. She also explained that her original intention to move her boat lift to the opposite side of the dock way was to be withdrawn as the water depth at its current location was optimal. Her opening statement also included a concession that Commission approval of a 30' overall length for her dock way would be acceptable. Commissioner Lippincott raised the question about original permitting and location of the existing dock in relationship to abutting properties.

Abutting property owner Lorraine Dimartino spoke and submitted an A-2 survey of her property.

An effort was made by several Commissioners to locate common property markers on the survey. A letter dated August 9, 2023 was read into the record by Geoff Green. The letter was written by an abutting owner at 150 East Wakefield Blvd in opposition to 2 of the 4 Dock options presented by the Applicant. Continued discussion resulted in a consensus by the Commission to get surveys from the Applicant and Mrs. Dimartino showing property pins on the waterfront. This would help establish the littoral boundaries and allow the Commission to render an informed decision.

Motion Statement - Motion to close Public Hearing amended to a Motion to continue Public Hearing

Motion - Comm. Olivieri / Second - Comm. Paganelli

Vote to approve - Unanimous (7 - 0)

B) IWWC #23-10

Owner/Applicant - Kristen Preusse

Location - 215 West Wakefield Blvd

Proposal - Repairs/Improvements to existing Waterfront Deck

The Applicant stated that this visit to IWWC was to gain permission to continue her efforts to restore the waterfront at 215 West Wakefield Blvd. She submitted a new survey showing what they wanted to replace that was previously there. A Cease and Desist order had stopped work and resulted from the removal of a shed which uncovered old tires and a bunch of different "stuff" that had been used as a landfill. The "dig" to remove this material was substantial but was ultimately completed with rip rap as the replacement. The new shed placement on top of the rip rap would fall within the littoral boundary. Chairman Molinelli asked if there were regulations dictated by P & Z regarding placement of a shed in this location. Geoff Green responded by stating that this question had not been contemplated. He explained for the record that previous owners had been issued a Cease and Desist back in the 90's for work to a shed and deck. A ZBA hardship request to expand the area had also been denied. Geoff found no permits for previous work. The applicants offered to not include the shed with the proposed work and just concentrate on getting the deck replaced to what it was before.

The applicants confirmed that their docks and two boatlifts are within the littoral boundary and located on the 215 property. Comm. Lippincott observed that the second boatlift was in violation of the one boatlift rule. The applicants agreed to remove on and comply with the ordinance.

Chairman Molinelli asked if engineering design was required for the cantilever layout. He also questioned the existing fence. The applicant answered both of these concerns and the Commission was silent in regards to action required. No one in the audience spoke to the application. Geoff Green confirmed that proper notification of the Public Hearings had been posted.

Motion Statement - "To close Public Hearing for IWWC #23-10

Motion - Comm. Davenport / Second - Comm. Paganelli

Vote to approve - Unanimous (7 - 0)

C) IWWC #23-11-1

Owner - Art Howland & Associates on behalf of Property Owners Steven Heffer and Henna Sultan

Location - 211 West Wakefield Blvd

Proposal - Proposed additions, renovations, updates and enhancements to existing property

Application submitted - 6/22/2023

Application 65 Day Review Period - 8/26/2023

Jim Mctigue from Arthur H. Howland & Associates introduced himself and submitted landscaping prints to the Commission members. Comm. Lippincott observed that the SD2 did not include a detention system because the impervious coverage was reduced. Mr. Mctigue explained that the proposal reflected an impervious reduction over 70% which does not require a drainage system. However an industry standard level spreader for outlet protection was included. This is an improvement on existing conditions. Mr. Mctigue acknowledged this project was under 25 slope range. This requires Special Permits from P & Z and Zoning Bd of Appeals. Chairman Molinelli requested that Tom Grimaldi's review of the Landscape Plan include a recommendation to pay close attention to the Commissions concern about water runoff. He asked Geoff to make sure he followed up on this. Comm. Paganelli also voiced concerns about the level spreaders ability to manage runoff. Jim countered with the explanation that elimination of 1 of the 3 driveways and additional plantings would significantly improve downslope conditions. Mr. Mctigue also gave the group an overview of proposed tree plantings that would replace 19 that will ultimately be cut down and stumps removed. Clusters of native trees would include, Oak, Maples, River Birch, Pear, Red Maple, Japanese Dogwood and Boxwood and Northeast native perennial wildflowers would be part of the planting mix. Jim concluded by explaining that the planting project would take about a year to complete. Comm. Davenport requested that Jim Rollins evaluate the road catch basin that will play an important role in this property's water control. No one in the audience spoke to the application.

Motion Statement - "To close Public Hearing for IWWC #23-11-1

Motion - Comm. Paganelli / Second - Comm. Kiesewetter

Vote to approve - Unanimous (7 - 0)

D) IWWC #23-12-1

Owner/Applicant - Edmund Finn

Location - 52 Strong Terrace

Proposal - Replace drainage ditch on South side of property with drainage pipe and cover over and grass

Application submitted - 7/14/2023

Application 65 Day Review Period - 9/18/2023

Chairman Molinelli opened the hearing by asking for an Engineers report as requested by the Commission at the previous meeting. The Applicant explained for various reasons he was unable to hire an Engineer in time for this hearing. Mr. Finn did respond to Comm. Lippincott's question about proposed plans or solutions and offered the following 4 options.

- 1) Remove pipe and replace with Rip Rap and plantings
 - 2) Partially remove pipe as the top is flat and provides an access to the adjacent property
 - 3) Leave pipe where it is and extend another pipe surrounded by Rip Rap into the drain
- Comm. Davenport noted a letter from Jim Rollins suggesting hiring a contractor and submitting a plan would be required for the Commission to render a determination. The applicant agreed to hire a surveyor to determine property lines. Comm. Kiesewetter asked the applicant about possible gas or oil spills on the property.

Comm. Molinelli opened up Public Comment. Cherolyn Kurlick owner of the adjacent property addressed the Commission with the following concerns.

- 1) Issue still unaddressed after 4 months. Still no survey.
 - 2) Needs to be a deadline imposed.
 - 3) Definitely auto repair work being done to multiple vehicles on the property
 - 4) Driveway has been extended and widened and is currently in disrepair
 - 5) No ongoing communications with Mr. Finn
 - 6) Newly added pipe has resulted in driveway washouts on Mr. Finn's property
- Mrs. Kurlick stated that she wanted her brook reinstated, and any excavation landscaped and seeded nicely. Additionally she wanted Mr. Finn to cover the expense of removing a tree that was killed by several rounds of septic excavation by Mr. Finn.

Comm. Lippincott asked if the Town could hire a surveyor to expedite action and send the bill to Mr. Finn. Much discussion followed regarding the Town's authority to force Mr. Finn to pay for tree removal. Comm. Paginelli strongly urged the Commission to require Mr. Finn to do soil sampling in areas where auto repair work was reportedly being performed.

Motion Statement - "Motion to continue Public Hearing until next month"

Motion - Comm. Paginelli / Second - Comm. Lippincott

Vote to approve - Unanimous (7 - 0)

Item 5

Old Business

A) IWWC 23-2-1

A) Owner / Applicant - Maureen Pizzano

Location - 148 East Wakefield Blvd

Proposal - 30 or 40' x 4' Dock and Boatlift

Application Submitted - 7/11/2023

Application 65 Day Review Period - 9/14/2023

As a result of the earlier Public Hearing continuance NO ACTION will be taken at this time

Motion Statement - "Motion to continue IWWC 23-2-1 until next month after the extended Public Hearing."

Motion - Comm. Lippincott / Second - Comm. Mulvay

Vote to approve - Unanimous (7 - 0)

B) IWWC #23-10

Owner/Applicant - Kristen Preusse

Location - 215 West Wakefield Blvd

Proposal - Repairs/Improvements to existing Waterfront Dock

Application submitted - 7/10/2023

Application 65 Day Review Period - 9/13/2023

Motion Statement - "I'd like to make a motion to approve IWWC 23-10 for 215 East Wakefield Blvd with 2 Conditions - one being the shed in not to be installed over the water and the second would be that the second boatlift be removed by essentially season's end of this year and not replaced with another boatlift."

Motion - Comm. Davenport / Second - Comm. Lippincott

Vote to approve - Unanimous (7 - 0)

C) IWWC #23-11-1

Owner - Art Howland & Associates on behalf of Property Owners Steven Heffer and Henna Sultan

Applicant - Lance Hansen

Location - 211 West Wakefield Blvd

Proposal - Proposed additions, renovations, updates and enhancements to existing property

Application submitted - 6/22/2023

Application 65 Day Review Period - 8/26/2023

Motion Statement - "I make a motion to continue IWWC 23-11-1 for 211 West Wakefield Blvd will continue to our next Public Hearing in September."

Motion - Comm. Davenport / Second - Comm. Lippincott

Vote to approve - No vote taken on stated motion as it was determined that Public Hearing had already been closed.

Motion Statement - "Motion to continue IWWC 23-11 at 211 West Wakefield Blvd pending review of the independent review of our engineer."

Motion - Chairman Molinelli / Second - Comm. Davenport

Vote to approve - Unanimous (7 - 0)

D) IWWC #23-12-1

Owner/Applicant - Edmund Finn

Location - 52 Strong Terrace

Proposal - Replace drainage ditch on South side of property with drainage pipe and cover over and grass

Application submitted - 7/14/2023

Application 65 Day Review Period - 9/18/2023

Motion Statement - "Motion to continue applicant pending the closing of Public Hearing."

Motion - Chairman Molinelli / Second - Comm. Davenport

Vote to approve - Unanimous (7 - 0)

E) Codification of Ordinances

Motion Statement - "Motion to approve IWWC regulations to allow them to be published online."

Motion - Comm. Davenport / Second - Comm. Paganelli

Vote to approve - Unanimous (7 - 0)

Item 7

New Business

A) IWWC 23-14-1

Owner/Applicant - Richard Knight

Location - 229 West Wakefield Blvd

Proposal - Replace/Relocate Walkway and Dock

Application Submitted - 7/26/2023

Application 65 Day Review Period - 9/29/2023

The applicant stated his request for permission to replace a 9' x 9' dock to a walkway out to it that was permitted and add a boatlift. Chairman Molinelli caught a scrivener's error with the omission of the boatlift on the Agenda. But confirmed it was part of the application filing. Mr. Knight submitted a survey of the property and drawing showing where the lift and dock will be placed. Chairman Molinelli asked what the width of the waterfront property was and was told 70 feet. The total length of the dock and walkway is 32 feet out onto the lake. Comm. Mulvey asked if any excavation needed to be done and if the support posts would just rest on the lake bottom.

Motion Statement - "Motion to accept IWWC 23-14-1 at 229 West Wakefield Blvd we accept the application tonight." (No public hearing required)

Motion - Comm. Olivieri / Second - Comm. Paganelli

Vote to approve - Unanimous (7 - 0)

B) IWWC 23-13-1

Applicant - Rob Colabella (Haley Ward Engineer) representing Nancy Frank (Property owner)

Location - 209 Perch Rock Trail

Proposal - Miscellaneous Site Improvements

Application Submitted - 7/26/2023

Application 65 Day Review Period - 9/29/2023

Mr. Colabella set up a laptop presentation and opened with an itemized list of tasks that were part of the proposed project.

1) New Roof Dormer

2) Screened Porch

3) Deck Addition

4) New Walkway

5) Remove Retaining Wall

6) Eliminate debris from watercourse (storm ditch)

Rob did explain that this project would require Special Permits and a Variance from ZBA. He also walked the Commission thru the parts of the job that would require very minimal excavation -

Sonnet tube installation, grading the ground slope to route rainwater away from the house and

construction of a rain garden. This work is estimated at 87 cubic yards of excavation. Chairman Molinelli asked for a detailed explanation of water runoff from the building. Mr. Colabella explained that all roof runoff would be caught and routed into the rain garden which was engineered and sized properly to handle the first 1 inch of storm water. Rob also made a point of explaining the list of recommended rain garden plantings has been vetted by years of experience with species that will survive in our area. Rob closed his presentation by stating the homeowner had gotten letters of approval from abutting property owners. Chairman Molinelli polled the Commission and no Public Hearing was necessary.

Motion Statement - "I make a motion to accept IWWC 23-13-1 to site improvements (as per presentation and minor renovations."

Motion - Comm. Lippincott / Second - Comm. Davenport

Vote to approve - Unanimous (7 - 0)

C) IWWC 23-14-1

Owner/Applicant - Kristen Preusse

Location - 215 West Wakefield Blvd

Proposal - Permitting of 2 Existing Docks + 1 Boatlift + 1 Mooring

Application Submitted - 7/30/2023

Application 65 Day Review Period - 10/3/2023

Discussion was brief considering the lengthy dialogue earlier during Public Hearings. The Commission raised questions regarding the location of the docks, boatlift and mooring buoy. The applicants responded and agreed to Comm. Paginelli's request to add the location of the mooring buoy onto the drawing previously submitted.

Motion Statement - "Motion to accept Application at 215 West Wakefield Blvd permitting two existing docks and boat lift and a buoy."

Motion - Chairman Molinelli / Second - Comm. Davenport

Vote to approve - Unanimous (7 - 0)

Item 8 **Agent Actions** -

A) Determinations

21 Crescent Street - David Webb

Enhancement of existing stormwater runoff swale with earthen berm, protected by silt fencing and straw waddle, to keep mountain runoff away from the house and in the storm water system and off the street

Geoff Green explained that he was asking the for Commissions permission to make a determination. He and Jim Rollins had met with the property owner and determined a preferred course of action. Rather than increase the capacity of an existing swale a new berm on the side of the swale would accomplish the same thing without disturbing the existing waterway.

Motion Statement - "Motion to allow Geoff to make an Agent determination for 21 Crescent Street, the existing storm water runoff and report back to the Commission."

Motion - Comm. Davenport / Second - Comm. Paginelli

Vote to approve - Unanimous (7 - 0)

B) Warnings - None

C) Violations / Orders

A) 265-1/2 Colebrook Road - Restore Order

Jeff Walker owner of this address had received a Notice to Vacate regarding an unsafe structure.

Geoff Green offered the following background summary for the Commissions edification.

One of the recent heavy rainstorms in July washed out the only crossing to 265 and 265-1/2

Colebrook Road properties. This was the second washout event in the past 2 years. To proceed with a replacement bridge the Town decided to require an engineered plan. The Building Inspector issued an Order to Vacate to cover the Town's liability. The Town has had much back and forth with DEEP representatives, Army Corp of Engineers and DOT to secure "emergency status" in order for a temporary culvert crossing to be installed. On the advice of DEEP they are saying a Cease and Desist and Restore Order will allow restorative work to get started. The order would give property owners a year to develop an engineered plan that will meet all current Wetlands and construction design rules. Geoff explained the this meeting was the "Show Cause" portion of the Cease and Desist Order giving the Commission an opportunity to review the situation and add any conditions that they deem necessary. Comm. Davenport asked who would be responsible for oversight and it was determined that Geoff Green and Jim Rollins would perform this task.

Motion Statement - "To give Mr. Walker permission to move ahead with his request with the letter that Geoff Green sent initially and the oversight additions we just suggested."

Motion - Comm. Olivieri / Second - Comm. Paginelli

Vote to approve - Unanimous (7 - 0)

B) North Main Street (18.1 acre parcel located behind 493 North Main Street) - (No action taken)

C) 308 East Wakefield Blvd - (No action taken)

D) 713 East Wakefield Blvd - (No Action taken)

E) 139 West Wakefield Blvd - Chairman Molinelli explained that this property has no building on it and the owner has multiple docks off shore which are rented to 3 different individuals. This arrangement creates a second marina which is not allowed. This issue has come up in the past with limited success enforcing the Commissions intent to stop the renting of docks. The homeowner recently Quick-Claimed a small percentage of the property to the dock renters thus making them partial owners. Town Attorney Nelligan has an issue with the fact that the dock renters names are not on the dock permits. His solution is to have the ownership group apply for a new dock permit. Commissioners discussed a review of the dock sizes and waterfront measurements to determine if any violations are occurring. Chairman Molinelli expressed concern that this arrangement may indeed set an unwanted precedent.

F) 52 Strong Terrace - (No action taken)

Item 9

Communications

- A) Review of Third Party Engineering Consultant Danius Virbickas - 212 East Wakefield
- B) Letter for Town Attorney Kevin Nelligan to Mrs. Babj, owner of 139 West Wakefield Blvd
- C) E-mail from Public Works Director, Jim Rollins to Mr. Finn owner of 52 Strong Terrace
- D) Letter from Ms. Kurlick regarding restoration work at 52 Strong Terrace
- E) E-mail from Public Works Director, Jim Rollins to Mr. Webb owner of 21 Crescent Street
- F) Letter from Tracy Maniccia et al of 150 East Wakefield Blvd, neighbors of Pizzano

Item 10

Other Business

- A) Report from Department of Public Works Liaisons -
 - Russ - None
 - Jeff - None
- B) Report from HLWA Liaison
 - Jackie - None
- C) Discussion about the possibility of charging back property owners for post storm cleanup as related to runoff - No Discussion
- D) Discussion about the possibility of adding a Lake Level Drawdown question to IWWC applications
 - No discussion
- E) Ongoing site visits at 137 Torrington Road - No discussion

Item 11

Adjournment

- * Motion - Comm. Olivieri / Second - Comm. Kiesewetter
 - To adjourn the meeting at 10:36pm
 - Vote to approve - Unanimous (7 - 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.