

Town of Winchester

Inland Wetlands & Watercourses Commission

Regular Meeting (Amended Agenda)

Wednesday September 20, 2023

Item 1 **Call to Order**

Meeting called to order by Chairman Molinelli at 7:02pm

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

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| Absent Excused | Frank Olivieri |
| | Mason Kieswetter |

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| Town Staff Members | Geoff Green (Assistant Town Planner) |
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Item 2 **Approval of Minutes** -

Item 3 **Agenda Review** -

A) Rescindment of closing the Public Hearing for IWWC 23-11-1 at the 8/16/23 regular meeting to be replaced with continuance of the Public Hearing

Motion Statement - Motion to rescind the Public Hearing closing for Application 23-11-1. The applicant is Arthur Howland & Associates on behalf of property owners Stephen Heffer and Henna Sultan, the location is 211 West Wakefield Blvd.

Motion - Chairman Molinelli / Second - Comm. Paganelli

Vote to approve - Unanimous (5 - 0)

Item 4 **Public Hearings**

A) IWWC 23-2-1

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 Applicant told the Commission that her effort to get her property "pinned" fell short of accuracy. Both the surveyor and Mrs. Pizzano felt that there were discrepancies with the findings. She asked the Commission for a continuance of her Public Hearing or agreed to withdraw the Application and resubmit. Geoff Green ruled that a request for extension would be need to continue the Public Hearing.

Motion Statement - I make a motion to continue IWWC 23-2-1 as a Public Hearing to the next scheduled meeting."

Motion - Comm. Davenport / Second - Comm. Paganelli

Vote to approve - Unanimous (5 - 0)

B) 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

Geoff Green informed the Commission that the Applicant was unable to attend this meeting instead was requesting an extension. E-mail confirmation of the request was offered. Mr. Green confirmed that an extension is allowed. Chairman Molinelli asked if the Applicant was aware that the Town's engineer had reviewed their plans and submitted documentation to the Commission. Geoff confirmed that the Applicant was aware of this and were incorporating the review. Chairman Molinelli also asked that the Applicants engineer review the Town Engineers comments rather than the surveyor who has done most of the presenting.

Motion Statement - "I'll make a motion to continue IWWC #23-11-1 to our next scheduled meeting."

Motion - Comm. Davenport / Second - Comm. Paganelli

Vote to approve - Unanimous (5 - 0)

C) 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

Based on the results of the survey that was requested by the Commission the applicant stated that he wanted to withdraw his application. Chairman Molinelli reminded Mr. Finn that he was in violation of a Cease and Restore Order. He responded by explaining the Engineering firm that he'd hired was drafting a remediation plan. Chairman Molinelli also raised the issue of the soil contamination test requirement.

Motion Statement - "I make a motion to accept the withdrawal of Application 23-12-1."

Motion - Comm. Mulvey / Second - Comm. Lippincott

Vote to approve - Unanimous (5 - 0)

D) IWWC 23-19

Applicant - David Battista (Haley Ward) in conjunction with Paul Selna of Schadler, Selna Associates, P.C.

Location - 115 Spencer Street (Winsted Health Center)

Proposal - Redevelopment of Winsted Health Center for housing and Artisan Maker Space

Application Submitted - 8/24/2023

65 Day Review Period - 10/27/2023

Mr. Battista's opening remarks to the Commission began with a request for confirmation that all required certified mailings had been received on time. This segued to an explanation of the Applicants meeting with the Planning and Zoning Board who had provided several sets of comments from Town Staff which resulted in revisions to the project. Schadler Senau Associates prepared a formal response letter to P & Z, copies of which were distributed to IWWC members in attendance. Chairman Molinelli asked if the revisions would impact Wetlands decisions to which the Applicant replied that the revisions did not impact Wetlands but the overall plans for the project. Mr. Battista further explained that once the projects revisions had been presented and worked out with P & Z he would then return to IWWC with a plan ready for peer review. It was the Applicants hope that Commission render a decision at this meeting with final approval contingent on any conditions imposed by the peer review. Chairman Molinelli read into the record a letter from Town Attorney Kevin Nelligan stating in summary that any IWWC approval of the project will be subject to an independent Engineer chosen by the Commission and their review report. The report will address all questions and concerns of the Commission and any recommendations of the Engineer must be accepted by the Applicant and incorporated into the approval. Atty Nelligan states the timeline for these actions should be 15 days and any refusal by the Applicant to incorporate the recommendations will render this permit null and void. Further summarized, the IWWC can accept the Application at tonight's meeting but conditioned on the Commissions choice of reviewing Engineer and their recommendations to the design plan. Mr. Battista accepted the terms that were explained and only asked that the timeline be extended to 30 days. The Commission granted this request but Comm. Lippincott did ask that the record show this was a deviance from the 15 day timeline in Atty. Nelligan's draft.

The Applicant gave a thorough summation of the Winsted Health Center project. He reminded the Commission that they were seeking their approval for a "Erosion Control Plan". Changes from the initial presentation to IWWC include

- 1) Piping instead of Rip Rap and drop manholes added to one runoff channel
- 2) Storm water retention added in the form of a large dry basin

Time was devoted to an explanation of the proposed "Temporary Excavation Plan" which emphasized that 90% of runoff would be caught by the temporary sediment basin. There was consensus among Commission members that the Applicant's presentation was exceptionally well done and very thorough. Chairman Molinelli next asked about Project Monitoring and how the Town planned to be kept apprised of this project's progress. He then asked if anyone in attendance wanted to speak regarding this application. Hearing no one wishing to address the Commission Chairman Molinelli asked for a motion to close the Public Hearing for IWWC 23-19.

Motion Statement - "I make a motion to close the Public Hearing for IWWC 23-19

Motion - Comm. Davenport / Second - Comm. Paginelli

Vote to approve - Unanimous (5 - 0)

Item 5

Old Business

A) IWWC 23-2-1

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 Public Hearing, the applicant asked for a continuance until the next regularly scheduled meeting.

Motion Statement - "I'll make a motion to continue IWWC 23-2-1 until our next scheduled meeting."

Motion - Comm. Davenport / Second - Comm. Lippincott

Vote to approve - Unanimous (5 - 0)

B) 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 at the request of the Applicant until our next scheduled meeting."

Motion - Comm. Davenport / Second - Comm. Paginelli

Vote to approve - Unanimous (5 - 0)

C) 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 - "I make a motion to withdraw application 23-12-1 at the request of the Applicant."

Friendly motion amendment - "That the Cease and Desist order remain in place."

Motion - Comm. Davenport / Second - Comm. Mulvay

Vote to approve - Unanimous (5 - 0)

D) IWWC23-19

Applicant - David Battista (Haley Ward) in conjunction with Paul Selnau of Schadler, Selnau Associates, P.C.

Location - 115 Spencer Street (Winsted Health Center)

Proposal - Redevelopment of Winsted Health Center for housing and Artisan Maker Space

Application Submitted - 8/24/2023

65 Day Review Period - 10/27/2023

Chairman Molinelli listed the following highlights from the Public Hearing held earlier in the evening.

- 1) Acceptance language from Town Attorney Nelligan with Commission change from 15 day review period to 30 days by Town retained Engineer
- 2) Project monitoring and reporting
- 3) Bonding
- 4) Conditions of approval

Discussion commenced regarding the amount of a project conditional bond. Fifteen thousand dollars was agreed upon.

Motion Statement - "I'd like to make a motion to conditionally approve application 23-19, the Applicant is David Battista of Haley Ward in conjunction with Paul Selnau of Shadler, Selnau Associates, P.C. The location is 115 Spencer Street which is the Winsted Health Center and the proposal is the redevelopment of the Winchester Health Center for housing and artisan making space. I'd like to make a motion to conditionally approve this application using the language that was introduced during the Public Hearing which I will read into the record again because it's part of the motion. "The approval is conditioned on the filing of a report from an Engineer chosen by the Commission which report shall address all questions and concerns of the Commission any recommendations of the Engineer must be accepted by the Applicant and incorporated into the approval. Should the Applicant fail to accept all recommendations within 30 days of receipt of the report this permit shall be null and void. It shall be at the Commissions sole discretion to choose the Engineer and accept all of the Engineers conditions and add other conditions as it deems appropriate. I would like to indicate that one of the conditions would be an ongoing monitoring of the Wetlands approval application and the monitoring to generate regular reports based on rainfall and other conditions that might affect the progress or the detriment of the work to be conducted and that we provide that the applicant provide a \$15,000.00 bond before any work is to begin.

Friendly Amendment - "If the Engineer's report deems it necessary for modifications in the future that the Applicant come back and ask for that modification to continue approval."

Motion - Chairman Molinelli / Second - Comm. Mulvay

Chairman Molinelli stated that all standard conditions 1 thru 12 are automatically incorporated into the approval

Vote to approve - Unanimous (5 - 0)

E) IWWC 23-14-1

Owner/Applicant - Richard Knight

Location - 229 West Wakefield Blvd

Proposal - Replace/Relocate Walkway, Dock and Boat Lift

Application Submitted - 7/26/23

Application 65 Day Review Period - 9/29/23

Mr. Knight, without any requirement by the Commission for a Public Hearing made himself available to answer any questions. Chairman Molinelli asked and was told that there was 70 feet of waterfront. This question prefaced the Chairmans observation that the application didn't appear to specify where the dock and boatlift would be located. The applicant explained that the placement would be very close to the existing location with some rocks in the water dictating that it might have to be moved slightly but not a lot. The boatlift will be placed to the left of the dock.

Motion Statement - "I make a motion to approve IWWC 23-14-1 installation of a dock and boat lift according to the map provided by the homeowner

Motion - Comm. Lippincott / Second - Comm. Paganelli

Vote to approve - Unanimous (5 - 0)

F) IWWC 23-13-1

Owner/Applicant - Nancy Frink

Location - 209 Perch Rock Trail

Proposal - Miscellaneous Site Improvements

Application Submitted - 7/26/23

Application 65 Day Review Period - 9/29/23

Representative Rob Colabella restated the proposed work as presented in previous months meeting.

Motion Statement - "I make a motion to approve IWWC23-13-1 Nancy Frink, 209 Perch Rock Trail with miscellaneous light improvements based on the site plan presented." No conditions or bond required.

Motion - Comm. Lippincott / Second - Comm. Paganelli

Vote to approve - Unanimous (5 - 0)

G) IWW C23-16-1

Owner/Applicant - Kristen Preusse

Location - 215 West Wakefield Blvd

Proposal - Permitting of 2 Existing Docks, 1 Boat Lift and 1 Mooring

Application Submitted - 7/30/23

Application 65 Day Review Period - 10/3/23

Geoff Green explained to the Commission that the Applicant was unable to attend this meeting but was requesting a continuance or extension if the Commission needed to speak with her or ask any questions in person.

Chairman Molinelli expressed concern about dock on the littoral boundary between 213 and 215 West Wakefield and offered motion language to extend the Applicants time period giving the Commission an opportunity to resolve this open issue.

Motion - Comm. Lippincott / Second - Chairman Molinelli

Vote to approve - Unanimous (5 - 0)

Item 7

New Business

A) IWWC 23-18

Applicant - Gunjan Prakash & Daniel Roeser

Location - 149 East Lake Street

Proposal - Miscellaneous Site Improvements

Application Submitted - 8/10/2023

Application 65 Day Review Period - 10/14/2023

Applicant representatives Rob Colabella and David Battista explained that the Applicant's want to add a second story, extend the back portion and deck of the house located at 149 East Lake Street.

They are seeking "approval of regulated activity" which is in essence all planned construction.

Existing and proposed conditions were illustrated. A sediment control plan including silt fence was introduced. This would surround the property. Representatives explained that P & Z issues were resolved and currently under consideration by ZBA for a special permit. A public hearing had occurred and been extended because the need for a Wetlands report was yet to be determined.

Chairman Molinelli asked if the existing outdoor shower water runoff could be captured in a better way as part of the new construction. Chairman Molinelli asked what changes to impervious conditions would result from the project. Mr. Battista explained in detail how the proposed construction was designed to a balanced condition when comparing before and proposed.

Additionally several rain gardens were to be added to the site. Consensus was reached that a Public Hearing was not necessary nor was a third party Engineer's review.

Motion Statement - "I move to accept Application 23-18 at East Lake Street."

Motion - Comm. Mulvey / Second - Comm. Paganelli

Vote to approve - Unanimous (5 - 0)

B) IWWC 23-20

Applicant - Town of Winchester

Location - 834 East Wakefield Blvd

Proposal - Reconstruction of a failing retaining wall and 200 feet of roadway within the East Wakefield Blvd right of way

Application Submitted - 9/13/2023

Application 65 Day Review Period - 11/17/2023

Representative David Battista from Haley Ward for an application by the Town of Winchester to reconstruct a retaining wall in the vicinity of 834 East Wakefield Blvd. Mr. Battista submitted photos of the wall to illustrate the current condition and tilt as it exists currently. The proposed replacement will be a modular concrete block wall. Additionally a portion of the road will need to be reconstructed to revised specifications. Mr. Battista also gave a detailed explanation of the plan to control any water that resulted from excavation. Chairman Molinelli asked whether a Public Hearing was required which opened up discussion about the timing and length of construction. Mr. Battista said the Town would be bidding the job out and expected the work itself to happen in an off season month as the road would need to be closed down for a period of time.

Motion Statement - "I'll make a motion to accept Application 23-20 Town of Winchester for 834 East Wakefield Blvd with condition of Public Hearing for interest at the next scheduled meeting."

Motion - Comm. Davenport / Second - Comm. Mulvey

Vote to approve - Unanimous (5 - 0)

C) IWWC 23-22

Applicant - R.A.M. Contracting Inc.

Location - 204 East Wakefield Blvd

Proposal - Seawall Maintenance

Application Submitted - 9/13/2023

Application 65 Day Review Period - 11/17/2023

A representative from R.A.M Contracting opened his presentation by explaining their request was for standard maintenance on a stone and mortar seawall. Existing mortar needed to be replaced was explained in a construction narrative. Replacement mortar would be applied which may include a thermal lube or bonding agent depending on weather conditions. No deep draw down of the Lake level is required and plywood would be put down as a working base. No machinery will be on site and concrete will be mixed by hand and in 5 gallon pails.

Motion Statement - "I'll make a motion to accept Application IWWC 23-22 for 204 East Wakefield Blvd for seawall maintenance."

Motion - Comm. Davenport / Second - Comm. Paganelli

Vote to approve - Unanimous (5 - 0)

D) IWWC 23-21

Applicant - R.A.M. Contracting Inc.

Location - 206 East Wakefield Blvd

Proposal - Seawall Maintenance

Application Submitted - 9/13/2023

Application 65 Day Review Period - 11/17/2023

The seawall at this location was newer but the work narrative was much the same. The proposed work was more preventative and done more to preserve the wall than repair.

Motion Statement - "I'll make a motion to accept Application IWWC 23-2 for 206 East Wakefield Blvd for seawall maintenance."

Motion - Comm. Davenport / Second - Comm. Lippincott

Vote to approve - Unanimous (5 - 0)

Item 8 **Agent Actions** -

A) Determinations

21 Crescent Street - David Webb

Geoff Green indicated that no work had been done at this location

B) Warnings - None

C) Violations / Orders

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

- 1) Geoff Green submitted a slide show to each Commissioner to help them visualize progress.
- 2) Jim Rollins submitted a memo with his OK of his final inspection

Chairman Molinelli requested the minutes reflect that the current culvert/bridge is only a temporary solution and a permanent solution must be professionally designed and constructed within a year.

B) North Main Street - 18.1 acre parcel located behind 493 North Main.

Geoff Green reported that he and Lance had walked the property and documented all the areas of concern. Atty Nelligan brought these findings to the property owners Attorney. Another on-site meeting is scheduled on October 5th. Geoff did make a general assessment that the property appears to have been abandoned.

C) 308 East Wakefield Blvd - No recent action by Town Staff but Chairman Molinelli made a strong suggestion that resolution of this violation should be made a priority for the next meeting.

D) 713 East Wakefield Blvd -

E) 139 West Wakefield Blvd - Geoff reported that Atty. Nelligan's request that the new ownership group that resulted from the Quit Claim action needs to reapply for a dock permit in their names. The property owner was contacted and she said she would reapply.

F) 52 Strong Terrace - Violation order remains on the property until resolved.

- 1) Geoff submitted a slideshow of photos showing current conditions
- 2) GIS printout was submitted for reference guide only

Item 9

Communications

A) Review of Third Party Consultant Tom Grimaldi's Engineering Review Comments - 211 West Wakefield Blvd. - Commissioners discussed at length current conditions and asked Geoff to make sure Tom's comments were aggressively addressing their concerns.

Item 10

Other Business

A) Report from Department of Public Works Liaisons -

Russ - None

Jeff - Reported that Jim Rollins was researching Catch Basin hoods

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 - Discussion determined that Jim Rollins killed this initiative for paper roads. Chairman Molinelli asked that this be revisited by Jim.

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. Paginelli / Second - Chairman Molinelli

To adjourn the meeting at 10:01pm

Vote to approve - Unanimous (5 - 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.