

Town of Winchester

Inland Wetlands & Watercourses Commission

Regular Meeting Minutes

Wednesday October 18, 2023

Item 1 **Call to Order**

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

Attending Members	Stephen Molinelli (Chairman)	Gary Paganelli
	Jackie Mulvey (Secretary)	Jeffrey Lippincott
	Mason Kieswetter	Frank Olivieri

Absent Excused Russell Davenport (Vice-Chair)

Town Staff Members Geoff Green (Assistant Town Planner)

Item 2 **Approval of Minutes** -

A) August 16, 2023 Regular Meeting

Motion - Comm. Lippincott / Second - Comm. Paganelli

Unanimous - (6 - 0)

(Requested Correction by Chairman Molinelli to reflect the inadvertent closing of the Public Hearing for 211 West Wakefield Blvd. and subsequently voted afterwards to continue the Public Hearing. The written minutes did not reflect the vote to reopen the Public Hearing)

B) September 6, 2023 Regular Meeting

Motion - Comm. Kieswetter / Second - Comm. Lippincott

Unanimous - (6 - 0)

C) September 20, 2023 Regular Meeting

Motion to postpone vote - Comm. Molinelli / Second - Comm. Paganelli

Unanimous - (6 - 0)

Item 3 **Agenda Review** -

* Following items were added since the original posting of the agenda

A) September 20, 2023 Regular Meeting Minutes have been added for approval (Item 2-C)

B) Request to vacate previously approved IWWC 22-32 & IWWC 22-49 (Item 6-B)

C) Tom Grimaldi's Engineering review report and Jim McTigue's reply related to 211 East Wakefield Blvd.

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 (Extended 11/18/23)

Applicant Maureen Pizzano opened the Public Hearing by stating that "there was a discrepancy with the pinning, we resolved it, surveyor did go back up, I know my neighbor did speak with Geoff and I think we're all on the same page now." Chairman Molinelli added for clarification that on his visit to the property there were 3 surveyors marks. One between the Pizzano property and abutting neighbor Zimmerman. Mrs. Pizzano confirmed that pin remained constant. The next mark went towards the Dimartino property at 150 East Wakefield. There were 2 stakes, one was a pin and one said something on the pole. The marker on the right is now gone leaving just the correct property marker. Chairman Molinelli asked Mrs. Pizzano where she wanted to locate the dock. She replied that trying to please all the neighbors left her with the decision to just replace the existing 24 foot dock and add 6 feet for a total of 30 feet. The width is 4 feet now and she would keep the new dock exactly the same. She would like to move the existing boatlift to the end of the new dock. Mrs. Pizzano stated she was within her survey boundaries and littoral boundary. Town staff member Geoff Green stated that abutting neighbor Mrs. Dimartino had called him and corroborated that she and Mrs. Pizzano had come to a mutual agreement and was OK with the placement and extension of the dock as presented to the Commission. Chairman Molinelli recollected that the Zimmerman neighbor was OK with the dock going out the extra 6 feet. Mrs. Pizzano offered a paperwork showing where the boatlift would be moved to. Chairman Molinelli noted that there were no Commission objections or comments from the audience.

Motion Statement - "To close the Public Hearing for IWWC 23-2-1."

Motion - Comm. Olivieri / Second - Comm. Mulvey

Vote to approve - Unanimous (6 - 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

Representative Jim McTigue distributed a revised set of plans to the Commission that included Tom Grimaldi's comments. His new plans specifically addressed the following following review comments

- 1) Provide a grassed swale cross section to include turf reinforcing matting
- 2) Add modified grade Rip Rap underlain with non-woven geo-textile fabric (e.g. Mirafi 1040N)
- 3) Indicate inlet protection at all proposed drainage structures

All comments were addressed and noted as completed. Chairman Molinelli asked Comm. Paganelli if the Town would be better served with a Catch Basin rather than Rip Rap. Public Works Director Jim Rollins was in attendance and asked by Chairman Molinelli to weigh in on this suggestion. Mr. Rollins agreed with the solution provided by Mr. McTigue and felt that requiring a Catch Basin would be an overreaching request. It was also noted that the Town would be hiring Tom Grimaldi to monitor and report on the projects progress.

Motion Statement - "I'll make a motion to close the Public Hearing for IWWC23-11-1."

Motion - Chairman Molinelli / Second - Comm. Mulvey

Vote to approve - Unanimous (6 - 0)

C) 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 - 11/17/2023

Dave Battista from Haley Ward Engineering and Public Works Director Jim Rollins represented the Town of Winchester and gave a detailed review of the proposed project to replace a retaining wall and a 200 stretch of East Wakefield Blvd. Mr. Battista explained the scope of work, the type of wall and construction timeline for the completion. He further explained that any contractor modifications to the plan would require a return visit to IWWC for review and approval. Mr. Rollins gave an overview of the planned roadway changes that will address a water pooling and drainage issue that currently plagues this address.

Chairman Molinelli opened up the Public Hearing to anyone wishing to speak regarding this application. Denise Nowak who resides at 846 E. Wakefield Ave asked the following questions.

- 1) Why was no Maintenance work done to the existing wall?
- 2) Why does the project start date keep getting pushed out and will the construction impact her use of her driveway?
- 3) Where is the water runoff getting directed during construction?
- 4) Will there be construction during the winter and where will she be able to park her car?
- 5) Where will the roadway reconfiguration begin and end?
- 6) Is the new wall going to start below the frost line?
- 7) Will the new wall be tiered?
- 8) Will the new wall be maintained?

Evan MacDermott, resident at 832 E. Wakefield Blvd addressed the Commission and asked the following questions.

- 1) Details of planned curbing?
- 2) Additional water runoff
- 3) What type of guardrail will be installed?

Comm. Kiesewetter asked for a more detailed description of the new wall. Mr. Battista and Jim Rollins took time to address and respond to each and every question and concern raised during the Public Hearing. Their answers were enough for Chairman Molinelli to ask for a motion to close the Public Hearing.

Motion Statement - "I'll make the motion to close the IWWC23-20 Public Hearing for 834 East Wakefield Blvd."

Motion - Comm. Olivieri / Second - Comm. Paganelli

Vote to approve - Unanimous (6 - 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

Commissioner Molinelli opened by asking the Commission if there was consensus to accept the proposed positioning of a 30 foot dock and boatlift on the littoral line between 148 and 150 East Wakefield Blvd. He asked the Commission if previous communications from Public Hearings, minutes, meetings, Geoff's input and lack of opposition from abutting neighbors would allow for a vote to accept.

Motion Statement - "I'll make a motion for IWWC 23-2-1, 148 East Wakefield Blvd for a 30 foot dock, 10 foot dock extension and a boat lift." Friendly added amendment - "For a total of 30 feet"

Motion - Comm. Olivieri / Second - Comm. Kiesewetter

No bond required.

Vote to approve - Unanimous (6 - 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 accept/approve the IWWC 23-11-1 application for 211 West Wakefield Blvd with the language that we had during Public Hearing where there would be regular reviews submitted by the Applicant, our Town Engineer Tom Grimaldi would review the submission of the language of what took place and if he has any concerns to be involved in the discussion with the applicant to remedy those concerns." Geoff Green added the following statement from Tom Grimaldi to be part of the official record - "If the Commission would like us (meaning him) to complete inspections and meetings during the construction process the applicant should submit the fee prior to commencement of any construction. The fee can be determined together with

the Commission, Town staff, Consulting Engineer, depending on the individual requirements, the fee should include time for review and the Bond estimate as well."

The Commission agreed that a \$5,000.00 cash Bond should be posted as a condition of approval with no work to begin until Geoff Green is informed.

Motion - Chairman Molinelli / Second - Comm. Paginelli

Vote to approve - Unanimous (6 - 0)

C) 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 - 11/17/2023

Motion Statement - "A motion for IWWC23-20, 834 East Wakefield Blvd for the Town of Winchester reconstruction of a failing retaining wall along East Wakefield Blvd." An agreed upon condition from the Public Hearing was that road curbing would be run to the point where water will go into the nearest catch basin.

Motion - Comm. Olivieri / Second - Comm. Kieseewetter

Vote to approve - Unanimous (6 - 0)

D) IWWC23-16-1

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

Applicant agreed to withdraw the request for a second dock and the boat mooring.

Motion Statement - "IWWC23-16-1, 215 West Wakefield Blvd. I make a Motion to permitting the existence of approval permit for 1 existing dock and boatlift."

Motion - Comm. Olivieri / Second - Comm. Mulvey

Vote to approve - Unanimous (6 - 0)

E) 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

Representative David Battista opened by reviewing the Commissions concerns regarding the water runoff from the existing outdoor shower. After testing and analysis the following solution is proposed. A new drain and pipe will be installed that will exit wastewater into an existing pump chamber

Motion Statement - "I make a motion to approve IWWC23-18, Prakash and Roeser for miscellaneous site improvements." A Bond of \$2000.00 was a condition required by the Commission.

Motion - Comm. Lippincott / Second - Comm. Paginelli

Vote to approve - Yes (6) - No (0) - (1) Abstain - Comm. Olivieri

F) 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

Robert Michaud from R.A.M. Contracting addressed the Commission and confirmed that he had no changes to report or received any communications or questions regarding the proposed work at 204 East Wakefield Blvd.

Motion Statement - "I move that we approve application IWWC23-22 R.A.M. Contracting at 204 East Wakefield Blvd proposal for seawall maintenance."

Motion - Comm. Mulvey / Second - Comm. Kiesewetter

Vote to approve - Unanimous (6 - 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

Mr. Michaud presented an updated survey that highlights the area where work will be done. He noted that no changes had occurred since the previous hearing.

Motion Statement - "I make a motion that we approve application IWWC23-21, Applicant R.A.M. Contracting at 206 East Wakefield Blvd for seawall maintenance."

No bond required.

Motion - Comm. Kiesewetter / Second - Comm. Paginelli

Vote to approve - Unanimous (6 - 0)

Item 6

New Business

A) IWWC 23-23

Applicant - Margaret Ziolkowski

Location - 344 East Wakefield Blvd

Proposal - Front walkway installation with pervious pavers

Application submitted - 10/12/2023

Application 65 Day Review Period - 12/15/2023

Mrs. Ziolkowski explained that her compromised mobility was the motivating factor with her request to install pervious pavers on the street of her home. The pavers would help minimize the current pooling of water that ices up during the winter months. She referred to the project sketch that was submitted with her application for the scope of work that was being proposed. The Commission requested that Mrs. Ziolkowski submit a survey and erosion control plan. The Commission agreed that no Public Hearing was required.

Motion Statement - "I'll make a motion to accept IWWC23-23 at 344 East Wakefield Blvd."

Motion - Comm. Kiesewetter / Second - Comm. Paginelli

Vote to approve - Unanimous (6 - 0)

B) Request to vacate previously approved IWWC 22-32 and IWWC 22-49

Applicant - Palm Coast Capital LLC

Location - New Hartford Road (Map 034, Block 158, Lot 001E-2)

Proposal - Construction of a new Tractor Supply Company Retail Store

Geoff Green read into the record a letter dated September 18, 2023 from the Attorney representing Palm Coast LLC requesting the Commission vacate the approvals of applications IWWC 22-32 and IWWC 22-49. A review of the letter by Town Attorney Kevin Nelligan resulted in an opinion that the Commission take action and accept the Applicant's request to vacate.

Motion Statement - "I'll make a motion to vacate the approvals of IWWC 22-32 and IWWC 22-49 per the request of the permit holders attorney."

Motion - Comm. Lippincott / Second - Comm. Kiesewetter

Vote to approve - Unanimous (6 - 0)

Item 7

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 - No report

B) North Main Street - Geoff met with owners Attorney and explained in detail what work needed to be completed.

- C) 308 East Wakefield Blvd - Property owner has pending litigation with a neighbor that once resolved will allow focus on getting an Engineer to draft solution to reduce his property's impervious area.
- D) 713 East Wakefield Blvd - No further action on this. Geoff wondering if this should be taken off the agenda. Jim Rollins weighed in and Commissioner Molinelli finally asked Mr. Green to get a ruling from Town Attorney Nelligan to see if this item could be taken off the agenda.
- E) 139 West Wakefield Blvd - Geoff reported that the property owner was experiencing health issues that resulted in no action. Chairman Molinelli commented that next Spring's dock season would bring this matter to resolution.
- F) 52 Strong Terrace - Cease and desist and restore order remains in place. Mr. Finn and his hired Environmental Consultant - Mr. William A. Jackson addressed the Commission concerning their request that soil testing be conducted to determine if the auto repair work on site had contaminated the ground. Mr. Jackson submitted a signed letter requesting that Application IWWC 23-12 be reinstated. Mr. Jackson explained in detail how site testing includes several phases of investigation the first of which focuses on a determination of the historical use of the property. Actual soil testing occurs once historical data has been concluded. This led to extended conversation which included acknowledging that part of the land under discussion now belonged to a new owner. Geoff Green relayed Atty Nelligan's warning that Mr. Finn would need to gain documented access to the abutting property once a Restore Plan of Action was approved. Chairman Molinelli stated that in order to satisfy the Commission's concerns some hired party will need to report actual soil test findings. Mr. Jackson reiterated his earlier explanation that results from random soil testing was indefensible without historic data of previous use of the property. It was determined by consensus there was not an appetite by the Commission to reinstate the application. No formal action was taken.

Item 8

Communications

- A) E-mail from Clairice Stevens of 374 East Wakefield Blvd requesting review of the terms "Object vs Vessel" as they relate to the Dock and Mooring Ordinance.
Geoff Green explained that the parked location of a pontoon boat by an abutting neighbor was the focus of Mrs. Stevens complaint. Mrs. Stevens was looking for the Commission to change the language to favor her contention. Geoff did explain that a new IWWC Sub Committee was charged with reviewing Ordinances. Chairman Molinelli reviewed the "historical" definitions of "Objects" and "Vessels". He felt that this issue could be resolved by assigning specific definitions to the two words.

Item 9

Other Business

- A) Report from Department of Public Works Liaisons -
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. Paginelli / Second - Chairman Molinelli
To adjourn the meeting at 10:22pm
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.