



**TOWN OF WINCHESTER**  
**INLAND WETLANDS & WATERCOURSES COMMISSION**  
**Town of Winchester Town Hall, 338 Main Street**  
**P. Francis Hicks Room – 2nd Floor**  
**September 21, 2016 – 7:00PM**  
**Regular Meeting Minutes**

**1. CALL TO ORDER:**

Chairman Ric Nalette called the meeting to order at 7:00PM.

**2. ROLL CALL:**

Roll call was completed by Mr. Nalette. Present at the meeting in addition to Mr. Nalette were: Ms. Loretta Tremblay, Mr. Matt Closson, Mr. Chris Kiely, Ms. Jackie Mulvey, Mr. Gene Berlinski, and Town Planner Steve Sadlowski.

Absent excused was Mr. Robert Haburey and Ms. Rosemari Roast. It was also noted that Stephen Molinelli was absent.

**3. APPROVAL OF MINUTES: August 17, 2016**

**MOTION:** Mr. Berlinski, Ms. Mulvey second, to approve the August 17, 2016 Minutes as amended; Motion passed with Mr. Nalette, Mr. Berlinski, Mr. Kiely, and Ms. Mulvey voting aye while Ms. Tremblay and Mr. Closson abstained.

**4. AGENDA REVIEW:**

There were no changes to the Agenda.

**5. OLD BUSINESS:**

**A. Application #IWC 16-15 Applicant: Steven Ritchie Owner: Steven and Elizabeth Ritchie Location: 544 West Wakefield Boulevard.**

Mr. Nalette reminded the Commission that the applicant was seeking to remove a portion of their bulkhead along the water edge, to construct stone steps and wading area leaving a small amount of lower wall to prevent erosion of earth in cutout area. Additionally, it was noted that the applicant had answered all of the Commission's questions at the previous meeting.

**MOTION:** Mr. Berlinski, Mr. Kiely second, to approve Application #IWC 16-15 Applicant: Steven Ritchie Owner: Steven and Elizabeth Ritchie Location: 544 West Wakefield Boulevard to remove a portion of their bulkhead along the water edge, to construct stone steps and wading area leaving a small amount of lower wall to prevent erosion of earth in cutout area.

Based on oral and written testimony:

Conditions 1-12 are standard Inland Wetland Commission Conditions and the following additional conditions determined by the Inland Wetlands Commission.

1. The permittee shall notify the Inland Wetlands Enforcement Officer immediately upon the commencement of work and upon its completion.
2. If the authorized activity is not completed within five years from the issuance date of August 17, 2016, said activity shall cease and, if not previously revoked or specifically renewed or extended, this permit shall be null and void. Any request to renew or extend the expiration date of a permit should be filed in accordance with the Inland Wetlands Regulations of the Town of Winchester. Expired permits may not be renewed and the Inland Wetlands Commission may require a new application for regulated activities.
3. All work and all regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this permit. A copy of the permit and plans shall be on site at all times. Any structures, excavation, fill, obstructions, encroachments, or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension or revocation.
4. This authorization is not transferable without the written consent of the Inland Wetlands Commission.

5. In evaluating this application, the Inland Wetlands Commission has relied on information provided by the applicant. If such information is subsequently proved to be false, incomplete or misleading, this permit may be modified, suspended or revoked and the permittee may be subject to any other remedies or penalties provided by law.
6. The permittee shall employ the best management practices, consistent with the terms and conditions of this permit to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands or watercourses. Permittee will provide a copy of approved plans to contractor which shall stay on site and be available for review or inspection during the duration of work. For information and technical assistance, contact the Wetlands Enforcement Officer. The permittee shall immediately inform the commission of any problems involving the wetlands or watercourses that have developed in the course of, or that are caused by, the authorized work.
7. No equipment or material including without limitation, fill construction materials, or debris, shall be deposited, placed or stored in any wetland or watercourse on or off site unless specifically authorized by this permit.
8. This permit is subject to and does not derogate any rights or powers of the Town of Winchester, conveys no property rights or exclusive privileges, and is subject to all public and private rights, to all applicable federal, state and local laws. In conducting and maintaining any activities authorized herein, the permittee may not cause pollution, impairment, or destruction of the inland wetlands and watercourses of Winchester.
9. If the activity authorized by the inland wetlands permit also involves activity or a project that requires zoning of subdivision approval, special permit, variance, or special exception, no work pursuant to the wetlands permit may begin until such approval is obtained.
10. The permittee shall maintain sediment and erosion controls at the site in such operable conditions as to prevent the pollution of wetlands and watercourses. Said controls are to be inspected by the permittee for deficiencies at least once per week and immediately after rains. The permittee shall correct any such deficiencies within 24 hours of said deficiencies being found. The permittee shall maintain such control measures until all areas of disturbed soils at the site are stabilized.
11. The permittee, contractor and/or owner shall conduct all operations at the site in full compliance with this permit, to the extent provided by law, may be held liable for any violations of the terms and conditions of this permit and are responsible for any violation they may have created.
12. Wetland flagging to stay in place during the construction process. Missing flags to be replaced upon the Wetland Agent's request if required for inspection or enforcement.
13. Cash erosion and sedimentation bond of \$500 will be submitted to the Inland Wetlands office; **Motion passed with Mr. Nalette, Mr. Berlinski, Mr. Kiely, and Ms. Mulvey voting aye while Ms. Tremblay and Mr. Closson abstained.**

**B. Application #IWWC 16-03 (Modification) Applicant: Jeff Lippincott Owner: Jeffrey and Anne Lippincott Location: 402 East Wakefield Boulevard Proposal: Install Two Cantilever Docks; Revised Position of Seawall Per Survey.**

Mr. Closson recused himself from this application at 7:06PM and joined the public seating area of the meeting room.

Mr. Nalette reminded Commissioners that this applicant had appeared before them in March, 2016, and that after negotiations with him over the location of the seawall, was granted a temporary dock over the summer.

Jeff Lippincott appeared before the Commission and recalled that Mr. Molinelli had suggested during a previous meeting that a cantilever dock be considered.

Mr. Nalette observed that the littoral boundaries were absent from the drawing submitted.

**MOTION:** Mr. Berlinski, Mr. Kiely second, to approve Application #IWWC 16-03 (Modification) Applicant: Jeff Lippincott Owner: Jeffrey and Anne Lippincott Location: 402 East Wakefield Boulevard Proposal: Install Two Cantilever Docks; Revised Position of Seawall Per Survey.

Based on oral and written testimony:

Conditions 1-12 are standard Inland Wetland Commission Conditions and the following additional conditions determined by the Inland Wetlands Commission.

1. The permittee shall notify the Inland Wetlands Enforcement Officer immediately upon the commencement of work and upon its completion.
2. If the authorized activity is not completed within five years from the issuance date of August 17, 2016, said activity shall cease and, if not previously revoked or specifically renewed or extended, this permit shall be null and void. Any request to renew or extend the expiration date of a permit should be filed in accordance with the Inland Wetlands Regulations of the Town of Winchester. Expired permits may not be renewed and the Inland Wetlands Commission may require a new application for regulated activities.

3. All work and all regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this permit. A copy of the permit and plans shall be on site at all times. Any structures, excavation, fill, obstructions, encroachments, or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension or revocation.
4. This authorization is not transferable without the written consent of the Inland Wetlands Commission.
5. In evaluating this application, the Inland Wetlands Commission has relied on information provided by the applicant. If such information is subsequently proved to be false, incomplete or misleading, this permit may be modified, suspended or revoked and the permittee may be subject to any other remedies or penalties provided by law.
6. The permittee shall employ the best management practices, consistent with the terms and conditions of this permit to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands or watercourses. Permittee will provide a copy of approved plans to contractor which shall stay on site and be available for review or inspection during the duration of work. For information and technical assistance, contact the Wetlands Enforcement Officer. The permittee shall immediately inform the commission of any problems involving the wetlands or watercourses that have developed in the course of, or that are caused by, the authorized work.
7. No equipment or material including without limitation, fill construction materials, or debris, shall be deposited, placed or stored in any wetland or watercourse on or off site unless specifically authorized by this permit.
8. This permit is subject to and does not derogate any rights or powers of the Town of Winchester, conveys no property rights or exclusive privileges, and is subject to all public and private rights, to all applicable federal, state and local laws. In conducting and maintaining any activities authorized herein, the permittee may not cause pollution, impairment, or destruction of the inland wetlands and watercourses of Winchester.
9. If the activity authorized by the inland wetlands permit also involves activity or a project that requires zoning of subdivision approval, special permit, variance, or special exception, no work pursuant to the wetlands permit may begin until such approval is obtained.
10. The permittee shall maintain sediment and erosion controls at the site in such operable conditions as to prevent the pollution of wetlands and watercourses. Said controls are to be inspected by the permittee for deficiencies at least once per week and immediately after rains. The permittee shall correct any such deficiencies within 24 hours of said deficiencies being found. The permittee shall maintain such control measures until all areas of disturbed soils at the site are stabilized.
11. The permittee, contractor and/or owner shall conduct all operations at the site in full compliance with this permit, to the extent provided by law, may be held liable for any violations of the terms and conditions of this permit and are responsible for any violation they may have created.
12. Wetland flagging to stay in place during the construction process. Missing flags to be replaced upon the Wetland Agent's request if required for inspection or enforcement.

**Motion passed with Mr. Nalette, Mr. Berlinski, Mr. Kiely, Ms. Tremblay and Ms. Mulvey voting aye.**

Mr. Closson rejoined the Commission at 7:16PM.

## **6. NEW BUSINESS:**

**A. Application #IWC16-17 Applicant: Bruce and Diane Benedeto Owner: Edward and Heather Dzielak/Bruce and Diane Benedetto Location: 362 West Wakefield Boulevard/364 West Wakefield Boulevard Proposal: To Repair Retaining Walls and Steps Down to Highland Lake.**

Mr. Bruce Benedetto appeared before the Commission providing a brief overview of the proposed work. He noted that the roots of the nearby Hemlock trees were hanging out and were getting worse with the wave action that occurs.

Mr. Sadlowski confirmed that his inspection revealed that the wall is eroding. Mr. Nalette recommended that Commissioners visit this site in advance of next meeting. Mr. Benedetto was advised to erect a couple stakes to reflect the location of his proposed shed as well as the approximate location of the steps.

**MOTION:** Ms. Mulvey, Mr. Berlinski second, to accept Application #IWC16-17 Applicant: Bruce and Diane Benedeto Owner: Edward and Heather Dzielak/Bruce and Diane Benedetto Location: 362 West Wakefield Boulevard/364 West Wakefield Boulevard Proposal: To Repair Retaining Walls and Steps Down to Highland Lake; **unanimously approved.**

## **7. OTHER BUSINESS:**

**A. Discuss Fee Schedule.**

Mr. Sadlowski reported that a permitting software system will be installed and thought that this is an appropriate time to update the fee schedule.

Discussion followed surrounding the existing language regarding a charge associated with square footage of impact. It was agreed that the proposed fee schedule will more closely reflect the actual costs for each type of application. Mr. Sadlowski explained that changing the Fee Schedule necessitates an amendment to the Commission's Regulations. Mr. Nalette suggested creating a Subcommittee to review the Inland Wetlands Watercourses Commission's Regulations. Mr. Berlinski, Mr. Kiely and Ms. Mulvey agreed to serve on this Subcommittee, and will meet for an hour just prior to next month's regular meeting. It was noted that this process could likely take as few as two or three meetings.

**8. AGENT ACTIONS:**

**A. Determinations.**

i. **Application: #IWC 16-16 (Extension of IWWC# 06-23) Applicant: Craig and Nancy Closson Owner: Craig and Nancy Closson Location: 504 West Wakefield Boulevard Proposal: Construct and Install Second Dock.** Mr. Sadlowski explained that this approval was granted as an extension of a previous permit.

**B. Warnings/Violations.**

None reported.

**9. COMMUNICATIONS AND BILLS:**

Mr. Nalette reported receipt of a Notice of Tentative Determination to Approve the Permit for the Town of Winchester to Process its Wastewater from the Connecticut Department of Energy and Environmental Protection. Mr. Nalette also reported receipt of a bill for membership fees from Connecticut Association of Conservation and Inland Wetlands Commissions, Inc. (CACIWC). He also noted an invitation to the 39<sup>th</sup> Annual Meeting and Environmental Conference from CACIWC scheduled for Saturday, November 12, 2016. Mr. Nalette also recommended that Commissioners review the provided Summer 2016 edition of The Habitat, a publication issued by CACIWC.

**MOTION:** Mr. Berlinski, Ms. Mulvey second, **to adjourn at 8:02PM; unanimously approved.**

Respectfully submitted,

**Pamela A. Colombie**  
Recording Clerk