

**Town of Warren  
Inland Wetlands and Conservation Commission  
Public Hearing and Regular Meeting Minutes  
Monday, December 28, 2015 – 7:00 pm  
Warren Town Hall – 50 Cemetery Road**

Present were Chairperson Keith Jewell, Vice Chairperson Cynthia Shook, Members Nancy Binns, Nora Hulton and Alternates Thomas Caldwell, John Favreau, and Darin Willenbrock. Also present were Stacey Sefcik the Inland Wetlands Enforcement Officer and Recording Secretary Richelle Hodza. Dawn Blocker was absent.

The meeting was called to order at 7:06 by Chairman Jewell.

**PUBLIC HEARING**

Mr. Clinton Webb of C. Webb & Associates LLC spoke on behalf of the applicants **Kelly & David Williams**, who were present, requesting an amendment to the Inland Wetlands Map of **149 and 151 North Shore Road**. Mr. Webb distributed a site map showing red areas which were proposed to be removed from the map and green areas to be added, noting that this site map had been revised so as not to attempt to indicate wetlands outside the applicants' property lines. Mr. Ian Cole, Professional Wetland Scientist, hired by Mr. Webb, was also present and summarized his findings. He stated that the existing delineation had been made during the winter months, and that the top of the property was flat with a high, seasonal water table. He further stated that there had been evidence of water shedding down the hillside, but that such shedding did not define a wetland. Mr. Cole added that there was a stream but that its ideal location was a matter for debate. Finally, he stated that the applicants' proposal would offer the opportunity to enhance the wetlands and to better protect the lake. Mr. Webb added that several soil scientists had analyzed the subject property and/or soil reports, including Mr. Sean Hayden, Certified Soil Scientist and Executive Director of the Northwest Conservation District (NCD), who was hired by the Town.

Ms. Sefcik read the public notice for the hearing published in *The Republican American* on December 14<sup>th</sup> and 21<sup>st</sup>.

Chairman Jewell asked if anyone on the commission had any questions or comments. Ms. Hulton said the letter from Mr. Hayden clarified the issues for her well and Mr. Jewell agreed. Ms. Sefcik then read into the record the letter from Mr. Hayden written on December 11, 2015, which stated that he agreed with Mr. Cole's findings; some of the existing wetlands delineations did not have certain required soil characteristics, despite obvious historic evidence of water's seepage and flow across large portions of the property. The letter concluded that if a dwelling were proposed for the property, the NCD would welcome the opportunity to work in cooperation with all involved, to review soil erosion plans, sediment control plans, storm water runoff management plans, and wetlands enhancement plans, in order to protect or enhance the wetlands and the lake.

Chairman Jewell opened the floor to the public at 7:20 p.m. No comments were made or heard. Ms. Binns made a MOTION TO CLOSE the public hearing; SECOND, Ms. Hulton; the motion CARRIED.

**SHOW CAUSE HEARING**

Chairman Jewell announced the next item on the agenda, the Show Cause Hearing of **Star Meduri of 28 Reed Road** regarding the clearing of trees and deposition of material in the regulated area. Ms. Sefcik stated that she did not see Ms. Meduri among the audience. Chairman Jewell asked if anyone was present on her behalf. There was no response. Ms. Sefcik attested that the property owner had been sent a Cease and Desist Order and via certified mail, return receipt requested, on December 21<sup>st</sup> informing Ms. Meduri, that among other directives, she was to appear at this hearing. Ms. Sefcik added that the Town of Warren had received today proof of receipt of said Order, postmarked on December 23, 2015. Ms. Sefcik summarized the history of the ongoing issues at the subject property

beginning in or about September 2014 and presented photographs taken on December 14 and 21, 2015 showing a great many trees downed in obvious wetland areas and near watercourses, as well as stockpiles of construction materials and construction of access ways. Ms. Binns asked if Ms. Sefcik had heard from Ms. Meduri (or her father, who was apparently the person doing the activities) since receipt of the Order. She stated that she had not. Members wanted to know what further actions could be taken to enforce compliance. Ms. Sefcik explained the procedures which culminate in legal action. Chairman Jewell noted that the Commission had been dealing with this issue for a long time. It was noted that the subject property does not presently include a dwelling.

Ms. Binns MOVED to uphold the Enforcement Officer's Cease and Desist Order and Ms. Hulton SECONDED her motion. The motion CARRIED unanimously.

### **APPROVAL OF MINUTES**

Chairman Jewell seated Alternate Mr. Favreau for Ms. Blocker.

Mr. Favreau made a MOTION to accept the minutes of the regular meeting of **November 23, 2015**. Ms. Hulton SECONDED, the motion CARRIED.

A MOTION to amend the agenda to include the approval of the minutes of the November 28, 2015 site walk was made by Ms. Hulton. Mr. Favreau SECONDED, the motion CARRIED.

Ms. Hulton made a MOTION to approve the minutes of the **November 28<sup>th</sup> site walk**, Ms. Shook SECONDED, and the motion CARRIED.

### **PENDING APPLICATIONS**

C. Webb & Associates for **Kelly & David Williams, 149 and 151 North Shore Road** – Request to Amend the Inland Wetlands Map.

Referring to the information heard and received at the Public Hearing earlier in the meeting, Chairman Jewell asked if there were any additional questions for the applicants' representatives or if there were additional comments. Members appeared satisfied with the presentation and Ms. Binns made a MOTION to approve the application to amend the map according to the latest site plan submitted to the Commission. Mr. Jewell SECONDED the motion and the motion CARRIED without abstention or opposition.

Ms. Sefcik stated that **Adil Mulla, 164 Melius Road**, had withdrawn his application for a Timber Harvest with Stream Crossings, as he had decided, after further consultation with his timber harvester, it would be better to apply at a later date.

### **NEW APPLICATIONS**

Ms. Shook made a MOTION to amend the agenda to include the application of **Wendy Summer, 200 Brick School Road** for an Emergency repair, including excavation of contaminated soil, which resulted from the removal of an underground, 1000-gallon, #2 fuel oil storage tank in the upland review area. Ms. Hulton SECONDED the motion. The motion CARRIED.

Ms. Sefcik introduced the matter, stating that Mr. Ben T. Timme of BDL Environmental Consultants, Inc. had contacted her after the discovery of a leak beneath the tank, wanting to know the proper protocol for remediation. Mr. Timme submitted an application for the removal of the contaminated soil and a letter outlining a plan for protection of the nearby wetlands during the work. Ms. Sefcik read the December 27 letter into the record. She

then identified two possible courses of action which the Commission could consider in such cases: either voting to approve an Emergency Repair Permit or relinquishing its authority, allowing the possibility of an Agent Determination. Members requested clarification on the difference between the two approaches, since it was apparent that the purpose of both was to expedite action. After not insignificant deliberation among members, and additional requests for advice on procedure from Ms. Sefcik, Ms. Binns made a MOTION to approve the application as an emergency repair, pending receipt of the application fee. Mr. Favreau SECONDED. Chairman Jewell asked for a vote; all were in favor, the motion CARRIED unanimously.

#### **INLAND WETLANDS ENFORCEMENT OFFICER'S REPORT**

Ms. Sefcik distributed her IWEO report. There were no questions about, or need for clarification on, the report, which is available for review in the Land Use Office.

#### **CORRESPONDENCE**

Ms. Sefcik noted that the DEEP had issued highlights of new Public Acts affecting the environment enacted during the 2015 regular and special legislative sessions with the dates the legislation takes effect. Most of these Acts were directed at procedure.

#### **OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION**

Ms. Sefcik asked the Commission if they had had a chance to review the materials she had given them some time ago regarding the production of a flyer containing guidelines for beach maintenance called "Best Management Practices." Commission members were familiar with the Town of Goshen's manual given to them by Ms. Sefcik and suggested that she use it to draft a document tailored to the particular needs of the Town of Warren using her experience. Ms. Binns suggested that a copy be given to the Warren Parks and Recreation Commission in order to obtain their input on the section involving the town beach at Waramaug. Ms. Sefcik agreed.

Seeing no other business, at 8:15 p.m., Chairman Jewell asked for a motion to close the meeting. Mr. Favreau MOVED, SECONDED by Ms. Hulton, to adjourn until the next regular meeting scheduled for **January 28, 2016, at 7:00 p.m.** in the lower level conference room of Warren Town Hall at 50 Cemetery Road. The motion CARRIED unanimously.

Respectfully submitted,



Richelle Hodza,  
Recording Secretary  
12/31/2015 9:50 a.m.