

**Town of Warren  
Inland Wetlands and Conservation Commission  
Public Hearings and  
Regular Meeting Minutes  
Thursday, March 24, 2016 – 7:00 PM  
Warren Town Hall – 50 Cemetery Road**

Present were Chairperson Keith Jewell, Vice Chairperson Cynthia Shook, Member Nancy Binns, Alternate Thomas Caldwell, IWEO Stacey Sefcik, and Recording Secretary Richelle Hodza. Absent were Member Nora Hulton, Member Dawn Blocker, Alternate Darin Willenbrock, and Alternate John Favreau.

**CALL TO ORDER AND DESIGNATION OF ALTERNATES**

The Public Hearing was called to order at 7:06 p.m. by Chairman Jewell. Tom Caldwell was seated for Nora Hulton.

**PUBLIC HEARINGS**

Ms. Sefcik read the published notices announcing the public hearings into the record.

1. C. Webb & Associates, LLC for Lee and Cynthia Vance, **99 North Shore Road** – Petition to Amend the Town of Warren Inland Wetlands Map.

Mr. Webb of C. Webb & Associates, an environmental consulting firm, spoke on behalf of the applicants. He explained the nature of the petition, which was the result of a prior wetlands map amendment that Mr. Webb had obtained on the abutting property. Those wetlands in question extended into the neighboring property owned by the current applicants, the Vances. Based on many of the findings of Mr. Webb's earlier work on the map amendment, the Vances sought a like outcome.

With regard to the present petition, the Commission received a March 8, 2016 letter from the Weantinoge Heritage Land Trust, Inc., which holds a conservation easement on the property. That letter was without opposition to the proposed amendment and was read into the record. The Commission had also received a letter, which was read into the record, from Mr. Sean Hayden, Certified Soil Scientist and Executive Director of the Northwest Conservation District dated March 8, 2016. Mr. Hayden had been asked to walk the property to review a historically mapped wetland soil polygon. Ms. Sefcik, Mr. Webb, and Mr. Ian Cole a Certified Soil Scientist for the applicants accompanied Mr. Hayden who found that no wetland soils were identified within or adjacent to the historically delineated wetland polygon mapped on the 99 North Shore Road where it shares a property border with 149-151 North Shore Road. Mr. Webb concluded that the area was not a wetland and other outside professionals and organizations concurred.

Chairman Jewell asked if there was any comment from the public. No comments were heard. Mr. Webb summarized, stating that the area in question, which he initially suspected was not a wetland, was demonstrated and corroborated by outside sources not to be wetlands.

2. Arthur Howland & Associates, PC for Corinne Green and Renée Stewart, **121 North Shore Road** – Tear Down & Rebuild of Single Family Dwelling and Garage, Construction of In-Ground Pool, Replace Well and Septic System in the Regulated Area; Piping of Intermittent Watercourse; Relocation of Driveway with Wetlands Crossing; and Construction of Stairs at Shoreline.

Mr. Paul Szymanski, PE of A. Howland & Associates appeared on behalf of the applicants. He distributed site plans to the commissioners and held one up for public view, stating that there had been

slight revisions to them after the public site walk on March 21<sup>st</sup>. He pointed out existing conditions on the plan, including the centrally located dwelling, a garage six feet from the existing intermittent watercourse, a gravel driveway along the western side of the property, and the well and septic system. Mr. Szymanski then indicated the proposed changes, including the moving of the driveway, the demolition and rebuilding of the house (in approximately the same location), the razing and rebuilding of the garage in another location, the moving of the septic system to the rear of the property, moving the well, the construction of an in-ground swimming pool and patio northwest of the house, the construction of stairs at the shoreline, and the piping of the intermittent water course. He also pointed out, among other things, a proposed retaining wall to act as a permanent barrier to a wetland area. Mr. Szymanski went on to indicate the various natural features of the land. He pointed to the intermittent water course that appeared to have been hand dug, and which had a small footbridge across it. The proposal called for filling in and piping the watercourse from the footbridge to its outlet. The benefit of piping, explained Mr. Szymanski, was that the effects of landscaping fertilizers would be ameliorated, as would thermal impact. Any runoff from the house and garage would be handled by a 3-tiered rain garden system on the east side of the property. Similarly, patio water would be handled by a rain garden west of the existing driveway.

Mr. Szymanski stated that over the past month, he and Mr. Todd Parsons, P.E. of Lenard Engineering, Inc., who had reviewed the site plans on behalf of the Town of Warren, had been going back and forth with comments, suggestions, and solutions. Ms. Sefcik concurred, referring to a letter from Mr. Szymanski dated March 21, containing three pages and four attachments, which addressed a number of issues raised in response to a letter (correctly) dated March 11<sup>th</sup> from Mr. Parsons. A follow-up letter from Mr. Parsons had been received yesterday, March 23<sup>rd</sup> (incorrectly dated March 11<sup>th</sup>), from which Mr. Szymanski read aloud. The remaining issues Mr. Parsons had with the plans involved compliance with Section 7.6 of the Town's regulations, which require additional supporting documentation when proposed work has been deemed, as this had been, a "significant activity." Mr. Parsons' letter concluded by calling for an evaluation of alternatives to piping the watercourse, and possibly, hiring a wetland scientist to review. Mr. Szymanski stated that his firm would be contracting a wetlands ecologist on the applicants' behalf. And to that end, Mr. Szymanski requested a continuance of the Public Hearing.

Chairman Jewell and the Commission requested that Ms. Sefcik contract an independent review by an ecologist on behalf of the Town, based on Mr. Parsons' recommendation. Ms. Sefcik agreed to do so and then read two missives she received via email earlier in the day. The first was from the easterly neighbor, Mr. Tim Palmer, at 117 North Shore Road; the second was from Mr. Nicholas Peppers, Esq. for the owners of 135 North Shore Road, the abutting property to the West. Both letters addressed various concerns, mainly with the redirection of water, drainage, runoff, raingardens and their maintenance. Mr. Szymanski offered to respond to the concerns raised by the neighbors before for the next hearing.

Mr. Jewell asked if anyone else wanted to speak. Mr. Steven Trinkaus, PE of Trinkaus Engineering presented himself on behalf of the Lake Waramaug Association (LWA). Mr. Trinkaus offered a copy of his resume to the Commission and explained that his approach to such projects is one of Low Impact – Sustainable Development (or, "LID"). Mr. Trinkaus had been at the Site Walk, had reviewed the files with regard to the proposal, and the plans submitted by Mr. Szymanski up to March 23<sup>rd</sup>. Mr. Trinkaus noted "significant environmental constraints" posed by the subject property. He orally summarized his many concerns from a six-page letter he had addressed to the Commission the day of the Public Hearing. Mr. Trinkaus's comments, questions, and concerns addressed issues with the Site Maps, Engineering, Sewage Disposal System and Erosion Control Measures, and the Maintenance of Stormwater Management Systems. Among them, the piping of the watercourse is contrary to DEEP's preferences, the lawn area appears to be extended way up to the back of the property, and a watershed map is needed. Warren Zoning Regulation 10.6 requires a stormwater management plan, which has not been provided. His conclusion was that "the applicant's proposal seeks to maximize the development with no consideration of the adverse environmental impacts of this proposal" and that the proposed stormwater management plan "has not been designed in accord with the CT DEP 2004 Storm Water Quality Manual

or standard engineering practices and will not reduce pollutant loads from the development area which will ultimately reach Lake Waramaug.”

Mr. Jewell invited any further questions or comments. There were none. Ms. Sefcik ascertained that time requirements were such that the Public Hearing could properly be held at the next regular meeting of April 28<sup>th</sup>. Mr. Jewell adjourned the Public Hearing to that date at 7:00 at the same location.

### **APPROVAL OF MINUTES**

The minutes of the February 25, 2016 regular meeting were **APPROVED** by Commission vote, following a **MOTION** by Ms. Binns, **SECONDED** by Mr. Caldwell.

Ms. Binns made a **MOTION** to approve the minutes from the March 21, 2016 site walk special meeting. Ms. Shook **SECONDED**. The motion **CARRIED**.

### **PENDING APPLICATIONS**

A. C. Webb & Associates for Lee & Cynthia Vance, **99 North Shore Road** – Petition to Amend the Inland Wetlands Map.

Ms. Binns made a **MOTION** to approve the application, **SECONDED** by Ms. Shook. The motion **CARRIED** unanimously.

B. Berkshire Engineering & Surveying for Michael & Jessica Dell-Aera, 14 Strawberry Ridge Road – Construction of Garage and Deck Addition, In-Ground Swimming Pool, Replacement of Septic Tank, Relocation of Driveway, and Associated Drainage in the Upland Review Area.

Mr. Dennis McMorrow, PE of Berkshire Engineering appeared on behalf of the applicant. Ms. Dell-Aera was also present. Mr. McMorrow explained the alterations to the plans since his last appearance and in response to questions from Ms. Sefcik. A letter from the TAHD had been received stating that the reserve on the property was suitable. The septic tank was to be relocated, as it is presently under the deck, which is in violation of code. The silt fence, during construction would be backed up with hay bales and the stockpile will be moved closer to the driveway. The new plans show that the driveway is changed to a 60- foot radius to meet the Zoning Regulations. Chairman Jewell confirmed with commissioners that all of their questions had been answered.

Ms. Shook made a **MOTION** to approve the application, **SECONDED** by Ms. Binns. The motion **CARRIED** unanimously.

C. Jorge Criollo for Laurence Neufeld, **277 Milton Road** – After-the-Fact Application for Installation of Temporary Stream Crossing.

Ms. Sefcik announced that she had received an email from Mr. Criollo asking to postpone the hearing of his application until the April 28<sup>th</sup> Meeting in order to have more time to prepare.

Ms. Binns made a **MOTION** to approve the continuance, **SECONDED** by Ms. Shook. The motion **CARRIED** unanimously.

D. Arthur Howland & Associates, PC for Corinne Green and Renée Stewart, **121 North Shore Road** – Tear Down & Rebuild of Single Family Dwelling and Garage, Construction of In-Ground Pool,

Replace Well and Septic System in the Regulated Area; Piping of Intermittent Watercourse; Relocation of Driveway with Wetlands Crossing; and Construction of Stairs at Shoreline.

The public hearing in this matter had been continued to April 28<sup>th</sup> at 7:00 p.m.

**NEW APPLICATIONS**  
**(Receive and Determine Significance)**

A. C. Webb & Associates, LLC for Kelly & David Williams, **149-151 North Shore Road** – Demolition of Existing Single Family Dwelling, Relocation & Extension of Existing Driveway, and Stormwater Management Improvements in the Regulated Area Associated with Construction of New Single Family Dwelling.

Mr. Clint Webb appeared for the applicants presenting plans to the commissioners and holding one up for illustration. He explained, among other things, that the existing septic system would be demolished and moved, a new well would be installed, an area of about 80 square feet at the water's edge would be converted to patio; a new house with guest wing and a two car garage with a guest apartment were proposed. The driveway, with a new entrance, would be serpentine owing to the regulations limiting grade. There were to be two pull-off areas in accordance with regulations because driveway was almost 500 feet long. The TAHD is presently reviewing the plans for the septic. The upland review area, owing to steep slopes, needs to be 200 feet; within this area, the disturbance will be about ½ an acre. Stormwater management is seen as the most challenging aspect of the project, especially from impervious surfaces. Erosion and Sedimentation controls during construction are detailed on Sheet 3. Mr. Webb pointed out footing drains, roof drains, a grass swale, and raingardens that would assist in managing runoff. Infiltration tests had been done and in the man-made ditch, soils were surprisingly permeable. Raingardens would, nonetheless, be installed. Mr. Webb indicated that there was an interest in installing and maintaining meadow areas.

Ms. Shook pointed to the facilities – toilet, sink, and shower – down at the patio near the lake – and asked if the waste was to be pumped up the hill to the proposed new septic system. Mr. Webb explained that the waste would go into a “grinder”, which would then be pumped up the hill into a 1,000 gallon holding tank and the effluent would then go into a pump chamber and be further pumped up to the septic fields.

Ms. Shook asked about the raingarden's exit. Mr. Webb said that the raingarden would only be called upon during a 25-year storm. Ms. Shook also wanted to know whether or not the owners would want to, or would be able to, continue to maintain the proposed meadow grass conservation areas and that, simply because they were installed, no guarantee existed that they would be maintained. Mr. Webb offered that his clients were very interested in conservation and had the means to provide the necessary maintenance of the meadows.

No further questions arose; however, there was discussion about which independent professional reviews, on behalf of the Town, should be sought and the desire for Mr. Trinkaus's input was stated. It was noted that he would likely be heard from via the Lake Waramaug Association. There was concern about overlapping reports; however, the Commission felt that the activity was significant, and warranted careful consideration.

Ms. Shook made a **MOTION** to receive the application, conditioned upon (1) review by Mr. Sean Hayden of the Conservation District, (2) review by Lenard Engineering, and, as the proposal was clearly significant, and (3) hold a public hearing on April 28, 2016; Mr. Caldwell **SECONDED**; the

motion **CARRIED**. The application was deemed significant and was received unanimously with conditions.

B. Brian Neff, PE for Star Meduri, **28 Reed Road** – Restoration Work Pursuant to Cease & Desist Order dated December 21, 2105.

Mr. Neff was present on behalf of the Meduris. He paraphrased the Site Remediation Plan he had prepared, dated March 23, 2016 which calls for the remediation of tree clearing and deposition of materials in the regulated area. During a dry season, previously cut trees, limbs, and firewood would be removed. Twelve trees would be planted. Piles of construction materials stored on the property would also be removed. A backhoe/loader would transport the materials along the existing path. Disturbed areas would be raked, seeded, and hay-mulched.

Ms. Shook asked for clarification on the route the backhoe/loader would take. Mr. Neff pointed out the areas of wetlands on a map, and pointed out the existing path. It was his professional opinion that if the work were done during a dry time of the year, any further disturbance would be nil.

After additional clarifying discussion, Ms. Binns made a **MOTION** to receive and accept the application with the condition that it be done during a dry time of the year; it was **SECONDED** by Mr. Caldwell. The motion **CARRIED** and the application was accepted.

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

No written report was available. That which was before the commission tonight was the majority of issues that were being addressed. Ms. Sefcik added that she has received quite a few application inquiries; thus, additional applications can be expected over the next month or two. Ms. Sefcik announced again the Land Use Academy's advanced training session that was available to Commissioners.

#### **CORRESPONDENCE**

There was none. Ms. Sefcik announced the NHCOC meetings that were worthwhile attending.

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

The discussion of, and possible action on, Beach Maintenance Best Management Practices Document was tabled to the next meeting on April 28, by MOTION of Ms. Shook, **SECONDED** by MS. Binns. All were in favor, the motion **CARRIED**.

Ms. Binns **MOVED** to adjourn the meeting at 8:42 p.m. until **Thursday, April 28, 2016 at 7:00 p.m.** Ms. Shook **SECONDED** and the motion **CARRIED** unanimously.

Respectfully submitted,



Richelle Hodza  
Recording Secretary