

TOWN OF WARREN  
**Inland Wetlands and Conservation Commission**  
Public Hearing and Regular Meeting Minutes  
Thursday, July 23, 2020 – 7:00 pm  
Hosted at Warren Town Hall – 50 Cemetery Road

*Due to the COVID 19 Pandemic and the recent restrictions imposed this meeting was closed to in-person, public participation per Executive Order 7B. The meeting was held via Zoom video conference.*

**1. CALL TO ORDER AND DESIGNATION OF ALTERNATES**

John Favreau, Chair, called the online meeting to order via Zoom at 7:03 p.m. Members present via video were Cynthia Shook, Vice Chair; Nancy Binns; and Nora Hulton. Alternate Tara Tanner was present but not seated owing to the existence of a quorum. Member Thomas Caldwell and Darin Willenbrock were absent. Others present online were Martin J. Connor, AICP, Land Use Consultant; and Richelle Hodza, recorder of minutes *pro tem*. Town staff members Joanne Tiedmann and Colleen Frisbie assisted in the hosting and monitoring of the video conference technology.

**2. PUBLIC HEARING**

Mr. Favreau called the Public Hearing to order at 7:06 pm and outlined the procedures to be followed for the public hearing. He reminded the Commission and the public that last month's hearing had to be tabled owing to improper noticing. Mr. Connor introduced himself as a credentialed wetlands consultant, including, among other things, having worked as the Land Use Administrator for the Town of Warren from 1989-1999.

Mr. Paul Szymanski, professional engineer, was present to explain the proposal for site development of property owned by The Living Trust of Theodore E. Theodorsen and Mary Irene Theodorsen, 56 Old Ox Road, Manhasset, New York, prepared for applicant Sawing High Climbers, LLC, Emma Lozman (Plumb), Member, of 69 Davis Road, South Kent, Connecticut described as **Kent Road (Map 21, Lot 27)**, construction of 50' x 80' office/barn to be used for equipment storage with an office, including sanitary system, well, driveway, grading, and related appurtenances. [ Most of the application materials are available on the Town's website at <https://www.warrenct.org/inland-wetlands-conservation> ]

Mr. Szymanski reviewed the project as well as the contents of a letter written from his office, Arthur H. Howland & Associates, P.C., by Mr. Spencer Myles, Senior Project Manager, on February 27, 2020, which responded to questions posed by the then Warren Land Use Officer, Kathy Castagnetta in her memorandum to the Commission dated February 26, 2020.

Mr. Favreau asked for comments or questions from the Commission. Ms. Shook reminded Mr. Favreau of her recusal on discussion and deliberations of the application since she owns property abutting the subject property. Ms. Hulton said that all her concerns had been addressed. Ms. Binns wanted clarification on the largest vehicle that would be used on site, a Ford F-550 with a GVW of 19,500 pounds. Mr. Szymanski said that it is a dump truck.

Mr. Connor was introduced as a consultant for the Town. He gave his qualifications and stated his opinion that there would be no direct impact on the wetlands themselves and that the proposed activity in the regulated areas were not significant.

Hearing no further comments or questions from the Commission, Mr. Favreau opened the meeting to members of the public, requesting comments first from those who were in favor of the project. There were none. Mr. Favreau then solicited comments from anyone in the public opposed to the project.

Ms. Deborah L. Ouellette of 11 Brick School Road spoke first, stating that she opposes the proposed commercial development of such an ecologically sensitive wetlands site. She read a statement summarizing concerns she had raised in two letters she had written to the Commission (4/27, 5/28) which included, but were not limited to: questions of proper procedure, specifically, improper legal noticing for the public hearing; the existence of a prior relationship between the former Land Use Official with the applicant's engineer, such that she should have recused herself to avoid possible conflict of interests, and because said Land Use Official is no longer employed by the Town, she cannot be questioned with regard to her project report. Ms. Ouellette continued, raising concerns about noise pollution, air pollution, light pollution, the ecological protection of Florio's Pond, animal habitats, the potential to introduce invasive species, and the Town's ability to enforce the limits incumbent and imposed upon the applicant's intensification or expansion of its arbor service activities. Ms. Ouellette pointed to the existence of suitable alternative sites and concluded by asking the Commission to preserve and protect the environmentally sensitive pristine wetlands that are the subject of the application.

Ms. Cynthia Warshaw of 219 Kent Road asked that the Commission deny the application and, among other things, discussed the ecological importance of Florio's Pond and related inland wetlands ecosystems. She also spoke of the important areas of prime farmland rated by the State in the immediate vicinity. She addressed concerns of lot coverage; noise and echoes of beeping, loading, and dumping; ecosystems being disrupted; ridgelines being exposed; and future business in an area of historic homes and retirees. Ms. Warshaw also pointed to the 10-year Plan of Conservation and Development which does not support such commercial activities in the Northern residential zone. Finally, she pointed to the existence of other sites within a ten- to fifteen-mile radius that are more suitably zoned and which did not contain undisturbed wetlands, such as along Route 202 in New Milford or along Route 7.

Mr. Hermann Tammen of 50 Curtiss Road opposed the plans stating that the property's location is in a 100-year flood zone. He was concerned about, the ramifications of clear cutting of old-growth trees for the driveway which is over 1100 feet long and for the building, pollution of well-water from trucks and their maintenance. Mr. Tammen was also disturbed by the inferior quality of the maps submitted in that they show neither Florio's Pond nor other existing waterways and instead include extraneous information which make the maps difficult to read. He was also concerned about the historic inability of the Town to enforce the regulations and any limitations thereon. Mr. Tammen also cited the Plan of Conservation and Development and appealed to the Commission to maintain the Town's best interests by denying the application and protecting the wetlands in the residential zone.

Ms. Ellen Young Baron, 187 Kent Road opposed the project stating that she had written several letters to the Commission. She noted, among other things, that the 19,500 pound trucks would be even heavier when loaded with logs; that the logs might be contaminated with insects from other areas; that chemical spills might occur and seep into groundwater affecting well water and the operation of her septic system; noise, pollution. She added that the applicants do not live in town and therefore, had not paid and are not paying taxes in Warren. She asked the Town to protect those who do.

Mr. Stephen Warshaw of 219 Kent Road and a former Selectman of Warren was opposed to the project. He wanted to know, among other things, plans for future growth of this company and was concerned about the limits thereto, given the site's encompassing of, and proximity to, inland wetlands. The greater the volume, frequency, and velocity of vehicles, the greater the impact on the wetlands. How big will the trucks be that are picking up the logs to remove them from the site be? He wanted to know if the 3-4 employees were three or four employees and questioned whether those employees would be carpooling to the site in one car or would there be one car per employee? In three or four years, Mr. Warshaw wanted to know, who would be going over to the

property to count vehicles to determine continued compliance?

Ms. Celia Ucciardo of 31 Brick School Road was opposed to the project. Among other things echoed by other members of the public, she was concerned about the use, storage, and amount of fertilizer and pesticides used in the business the applicant operates. She wanted to know whether the average homeowner could go into Home Depot and purchase the amount of fertilizer and pesticides that the company will be purchasing? She was concerned contamination should the chemicals leech into the groundwater. She also wanted to know why the driveway had to withstand 50,000 pounds when the heaviest truck was 19,500. Finally, she was concerned about the boring insects that might be brought in. She stated that she had hired Mr. Plumb to do some work for her and that her opinion of him had been good until the present proposal which, if approved, will destroy her quality of life .

Ms. Richelle Hodza, recorder of minutes, of 236 Brick School Road, speaking as a member of the public asked Mr. Favreau about communications received and when and if they would be read into the record. Mr. Favreau affirmed that they would be read by those who wrote them if they were present and if they wished, or that he would read them after all comments had been heard.

Ms. Robin B. Fleet of 202 Kent Road was in favor of the proposed activity near the wetlands. She said she had spoken to the Plumbs and was satisfied that the proposed business would not adversely affect her enjoyment of her property and they would not do anything underhanded. She asked that the Commission take the environmental concerns into consideration but that they not consider aesthetic concerns such as “you’re ruining my view.” She stated that the property was not open space, it was vacant land and that anyone in town could buy it and build there.

Mr. Favreau invited those who had written letters to read them into the record. Mrs. Bertrand G. Oullette (aka Deborah L. Oullette) read her and her husband’s third letter into the record, Mrs. Jack J. Baron (aka Ellen Young Baron), read her and her husband’s letter into the record; Mrs. Leonard Ucciardo (aka Celia Ucciardo) read a letter into the record. [All communications are available for inspection on the Town’s website]

Ms. Christina Salmon of 27 Sunset Lake Road was recognized by the Chair and spoke via telephone. She was opposed to the proposed commercial activity in the wetlands for a variety of reasons stated by others and cited the USDA NRCS soils maps which indicate many more wetlands and watercourses than had been identified on the site plans. Light pollution, noise pollution, and damage to the wetlands will occur, particularly if the business grows. An approval would open the door to similar projects.

Mr. Szymanski was given the opportunity to respond to the various concerns and questions posed by the public. He stated that there is a ridge between the proposed driveway and pond making it impossible for stormwater to drain from the driveway to the pond. Furthermore, as one gets further into the site, all grading for the building and the driveway is toward the east, not to the west, where the pond is located. No additional materials will be disposed of on site. Fuel will be within the building itself. There will not be natural gas used on the property. There is no natural gas in Warren.

Mr. Szymanski continued stating that there are not 20 acres, but approximately 10 acres of wetlands on the property. Mr. Szymanski said he assumed Ms. Warshaw was referring to the [USDA] Natural Resources Conservation Service maps which are not to be used for design purposes, simple for planning purposes such as for the Plan of Conservation and Development. The that the proscribed way to determine actual soils types is to perform soils tests and mark areas in which wetlands soils are found. Mr. Szymanski explained that his in-house soils scientist Mr. Spencer Myles had flagged the wetlands in the field and wrote a letter stating his findings, which was

submitted with the application. The driveway remains 16 feet wide, not ten. There are zero wetlands to be disturbed. The ridgeline is not being touched; it is not to be disturbed. It was noted that the site is in a 100-year flood zone. Mr. Szymanski stated that only Florio's Pond is in said flood zone, which is 200 feet away from the proposed building location. Regarding potential growth to the business, Mr. Szymanski stated that any change to the special exception would have to go back to the Planning and Zoning Commission. With regard to the weight-bearing capacity of the driveway, Mr. Szymanski said that the 50,000-pound driveway is a processed gravel driveway suitable to accommodate fire trucks as required by the Zoning Regulations.

Mr. Szymanski noted that the Plumbs had reach out personally to all adjoining property owners who received a letter from them inviting questions or comments. Only Mrs. Fleet had contacted the Plumbs to date. Mr. Szymanski continued, stating that his firm had provided detailed stormwater management calculations to demonstrate compliance with the both 2004 Stormwater Quality Manual and the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, detailed construction sequence showing erosion controls, detailed limits of disturbance, and details showing construction fence in areas of close proximity to the wetland. He stated that he made modifications to the drainage patterns at the request of staff and the Commission to ensure that there would not be stormwater management issues within the upland review area. He said that he had considered alternatives to the present proposal and had made certain changes requested by the Commission.

Mr. Szymanski said that approvals from the Torrington Area Health District had been obtained and he felt that any comments or questions brought up by the staff and the Commission had been fully and completely addressed. He thanked the Commission for its time.

Mr. Favreau asked for a motion to close the public hearing. Ms. Binns made a **MOTION to CLOSE** the Public Hearing. Ms. Hulton **SECONDED**, all present were in favor. The motion to close the public hearing **PASSED** by individual votes by Ms. Hulton, Ms. Binns, Ms. Shook, Ms. Tanner, and Mr. Favreau.

### 3. APPROVAL OF MINUTES

MOTION by Ms. Hulton **SECONDED** by Ms. Binns, to **APPROVE** the MINUTES of the June 25, 2020 Regular Meeting; the motion **PASSED**.

### 4. OLD BUSINESS

- A. Michael C. Sciulli, 152 Brick School Road, (Map 26, Lot 10-01), Request for Declaratory Ruling - Land and tree clearing for agricultural use. (Date of acceptance 6/25/2020). Mr. Sciulli was present via video. The Commission asked for a new A-2 Survey before deliberating, citing some discrepancies with the existing conditions.

Ms. Binns made a **MOTION, SECONDED** by Ms. Hulton to table the matter until receipt of further information. The motion **PASSED** with affirmative votes by Ms. Binns, Ms. Hulton, Ms. Shook, Ms. Tanner, and Mr. Favreau.

- B. **MOTION to ADD OLD BUSINESS** as Item B by Mr. Favreau. Mr. Favreau said he had neglected to maintain the following item on the present agenda: Michael Griffen and Molly Hart, 145 North Shore Road (Map 45, Lot 18), Repair existing roof drains in upland review area. (Date of acceptance 6/25/2020.) Dennis McMorrow, P.E., Berkshire Engineering was online to describe the nature of the proposed work. There were several questions from the Commission, mainly asking for clarification, which Mr. McMorrow answered.

Mr. McMorrow reiterated the project that had been explained at the last meeting. Mr. Connor had re-

viewed the plans and because it was a necessary repair and would have no significant impact on the wetlands, recommended that the Commission take favorable action on it. Mr. Favreau asked if the Commission had further questions. Ms. Hulton stated that she understood the project as an improvement on existing conditions and Mr. Favreau concurred.

Ms. Binns made a MOTION TO APPROVE the application; Ms. Hulton SECONDED; and the motion PASSED.

#### **NEW BUSINESS – RECEIVE AND DETERMINE SIGNIFICANCE**

James Newton, 64 Sackett Hill Road (Map 18 Lot 3, 4.5 acres). Mr. Newton was present by video as was Mr. McMorrow who described the project. Lot 1 is a proposed 2.75-acre parcel, a first cut off of 64 Sackett Hill Road (Lot 2 is proposed from the driveway off Above All Road). The present wetlands application is for 64 Sackett Hill Road. Wetlands have been flagged in the field by Mr. McMorrow's firm. A site walk will occur with Mr. Connor, Mr. Favreau, and Mr. McMorrow on Friday, August 7 at 1:30 p.m. after Mr. McMorrow has had the proposed locations of the house and the driveway staked. Other members were directed to do a "drive-by." Mr. McMorrow stated that he had spoken with TAHD and expected approval shortly. The plan was described as a long-term plan which would include eventually a "dream home" for Mr. Newton's family. A small 3-bedroom house was to be built according to the application under review. Mr. McMorrow had understood that the meeting was going to be held at Warren Woods and therefore, only Mr. Favreau of the commission, who was at Town Hall was able to see the plans being considered. Mr. Newton offered to share his copy; however, screen-sharing capabilities were not available during this video-conference. Mr. Favreau stated that he did not think that the activities proposed were a significant disturbance and recommended that the Commission receive and accept the application and obtain further information as needed before the August regular meeting. Mr. McMorrow offered to send pdfs to Mr. Favreau for distribution.

MOTION to RECEIVE AND ACCEPT the application for 64 Sackett Hill Road by Ms. Binns, SECONDED, Ms. Hulton. Those in favor were Ms. Binns, Ms. Hulton, Ms. Shook, Ms. Tanner, and Mr. Favreau. None were opposed. The motion PASSED.

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

Mr. Favreau stated that the Town has no IWEO and therefore, there was no report; however, he himself had been asked to take several site walks, none that were of particular significance.

#### **6. DISCUSSION AND POSSIBLE DECISION ON CLOSED PUBLIC HEARINGS.** None

#### **7. CORRESPONDENCE.** None (other than those already read regarding tonight's public hearing).

#### **8. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.** None

#### **9. ADJOURNMENT**

MOTION by Ms. Shook to ADJOURN at 9:00 pm; SECONDED by Ms. Binns; the motion PASSED; the meeting was adjourned to the next regular meeting on Thursday, August 27, 2020 at 7:00 pm.

Respectfully submitted,



Richelle Hodza

Recording Secretary, *pro tem*

[Click for audio](#)

Bert & Debora Ouellette  
11 Brick School Road  
Warren, CT 06754

July 23, 2020

Inland Wetlands and Conservation Commission  
Attn: Jon Favereau, Chairman  
Town of Warren  
50 Cemetery Road  
Warren, CT 06754

RE: Abutters' Objection to Plumb Application  
Assessor's Map 21 Lot 27, Route 341 & Brick School Rd.

Dear Commissioners,

We strongly object to the applicant's proposed activity in the Paul Szymansky PE ("Szyamsky") application of February 27, 2020. The applicant proposes activity that includes constructing a commercial building for an arborist's business on a 40-acre parcel (Assessor's Map 21 Lot 27). This parcel abuts our property (Assessor's Map 21, Lot 26-01). As abutters, we contend the proposed activity will have significant impact on Florio's Pond as well the contiguous wetlands and wildlife habitat. The on-going, commercial use of the property will inevitably threaten the biodiversity of the surrounding area. The proposed activity will also diminish views and open space with remarkable aesthetic values which are important to the Town's rural character and identity. These features are fundamental to what makes Warren a desirable place to live and are highly valued by the community. Given what is at stake, the IWCC should be carefully examining the representations being made in the application concerning environmental impact. For these and other reasons set out below, the Commission should reject this application or conduct extensive study and further deliberations on the significant impacts of this proposal.

First, the proposed activity will significantly impact and substantially diminish the natural capacity of these inland wetlands to support aquatic, plant and animal life and habitats. Specifically, the site plan proposes construction of a large 50 x 80 building and a 650-foot gravel driveway that "threads-the-needle" between Florio's Pond and environmentally sensitive wetlands on either side. The site plan also contains a parking lot, a storage yard for logs, a well and a septic system to be located in an ecologically sensitive area. The construction activity alone will require the clearing and cutting of mature trees as well as the bulldozing and regrading of prime farmland. The utility lines and poles traversing the property will have a significant impact on the scenic quality of the rural landscape. The proposed activity and commercial use will permanently disturb the natural character of this land forever.



Significantly, this land provides habitat for whitetail deer, black bear, possums, raccoons, gray squirrels, chipmunks. Also, this spring season has seen a mating pair of bobcats frequenting the area. There are salamanders, Painter turtles and snapping turtles, several frog and snake species around the pond. The endangered Northern Leopard Frog is occasionally spotted near Florio's Pond. Trees in this area are nesting territory and habitat for numerous songbirds, woodpeckers, crows, ravens, red tail hawks, the Cooper's hawk as well as wild turkeys. The pond is currently home to beaver, wood ducks, and mallard ducks among other migratory species. The proposed activity will have a significant impact by diminishing the habitat of all this wildlife.

Second, the proposed activity has the potential to change the grade and topography of the land when the applicant bulldozes a field to put in a driveway. Prime farmland will be regraded with crushed gravel for a very, very long driveway. The natural drainage will be altered creating implications for Florio's Pond and the wetlands located on the property. The earthmoving activity will be disruptive and can cause substantial sedimentation which would alter or diminish groundwater levels in these wetlands. Once construction is completed, the proposed activity will introduce motorized vehicles, heavy trucks and tree cutting equipment to this otherwise quiet, undisturbed, natural setting. The tree business, huge building and the gravel driveway will bring truck traffic and heavy equipment with concomitant noise, dust and light pollution. This activity will have a significant impact on wildlife, diminish wildlife habitat and open space benefitting the Town.

Third, the proposed activity has the potential to cause pollution of the wetlands or Florio Pond. Specifically, the proposed activity requires significant construction, drilling of a well, installing a septic system and storm water discharge system. The septic system and storm water run-off from the parking lot will potentially have an adverse impact on the groundwater. Wood scarp and tree clearing by-products will be routinely disposed of. The arborist will also certainly need to handle and store fuel (including gas, diesel, natural gas, propane, and fuel oil) for use in its vehicles, machinery and tree cutting equipment.

Fourth, the proposed activity has the potential to introduce invasive species to the community. The proposed site plan provides a storage yard for logs for the arborist's business. There is a reasonable expectation that an arborist will bring and stockpile wood materials and debris including: logs, stumps, wood chips, branches, bark, leaves, sawdust and other tree clearing material. The resulting debris and compost will be imported from other areas and dumped or stored on the property in the proposed storage yard. This debris could contain invasive species that would then possibly end up in contact with native vegetation thereby spreading locally.

Fifth, there are other more suitable locations for the arborist's project. There are also alternative uses for this property which would cause less or no environmental impact to the wetlands or Florio Pond. Notably, this parcel is in its natural state. The parcel was never developed and never publicly offered for sale for any other use. It is now held by a trust for long-time, absentee owners who, when they bought this property, probably valued its natural character more than its commercial potential. Now, though, the exploitation of this pristine property stands to benefit folks with no further connection to Warren. Put bluntly, approving this application swaps short term gain for long term pain.

Sixth, the proposed activity will hinder the IWCC's future ability to protect the pond or these wetlands. Going forward, we are concerned there will likely be expanded or intensified use near the pond's edge or the wetlands on the property. Like all businesses, the arborist will want to expand and grow its operation. The proposed activity will therefore increase over time and protecting the pond and wetlands will require greater vigilance by the neighbors, the community and greater enforcement oversight by both the land use officer and the IWCC. If approved, the proposed activity will likely result in irreversible and irretrievable loss of wetlands and open space in Warren. We have substantial doubt that any mitigating conditions on the application can or will be effectively enforced post-approval. For these reasons, we urge the IWCC to act decisively now to preserve and protect these wetlands and Florio pond.

We note, for the record, there is concern about an actual or perceived conflict of interest and preferential administrative treatment in the advancement of this application. The prevailing sentiment is that Town residents were systematically denied an adequate opportunity to comment on or to object to the applicant's proposed undesirable use. The cumulative effect of these significant impacts from the proposed activity is sufficient for the IWCC to deny the application. We further contend that the application, as submitted, does not contain enough information concerning the ecology, the environmental impact or the effects of the proposed activity on Florio's Pond, the wetlands, wildlife habitat, open space and aesthetic value enjoyment of this parcel. Alternatively, therefore, we urge the IWCC to stay the application and to obtain further information on the environmental impact of the proposed activity and commercial use.

Sincerely,

A handwritten signature in dark ink, appearing to be "Bert & Debbie Ouellette", written in a cursive, flowing style.

Bert & Debbie Ouellette



Commissioner of Inland Wetlands and all members

I am writing to explain my displeasure and serious concern for the Plumb Project, Route 341 & Brick School Rd. We live in a residential area surrounded by private homes which are also abut a Wetlands. We all have our own private wells which we use for drinking, bathing and all other household needs. One of my biggest fears is for the health and safety of my family. Mr Plumb states he is well within the Connecticut state guidelines for storing pesticides and fertilizers. Are the guidelines for a commercial business in a commercial zone? The average homeowner would never be able to purchase such an amount in the local Home Depot. If one of the workers accidentally spills some on the ground, who will know? Who would you call?

Ghostbusters! This is very disturbing to me and my family, which include my son, daughter-in-law, granddaughters, my daughter, son-in-law and grand puppies all who visit from time to time. It is our intention to leave our home to our children. When I asked my children if they wanted our home when we were gone they stated " Yes, because it's part of you and dad". Another concern is not a small business as they profess. Mr Plumb claims he wants to grow his business. Will that mean more Huge trucks with diesel burning fuel that we will get to smell everyday? What is the need for a 50 thousand pound driveway? We don't have the need for a 50,000 pound driveway and our garage was newly built to match our home. It is not a steel structure with 4 14 ft garage doors. They also will be allowed to have a 30 yard dumpster to load lumber and have it removed when it's full. Will a Tonka truck be pulling it? This is not an arborist service it seems more like a Lumberjack service! Mr Plumb did not ask surrounding families if we would be OK with such a business surrounding us. I believe he knew he would be in for a fight because no matter what he calls himself it does not fit the beautiful town of Warren surrounded by residential homes. Why has he not looked in a commercial zone, or in Kent where he lives? Mr Szymanski was a perfect choice for Mr Plumb. On his Indeed page he quotes "My job is to accept projects that others deem impossible and make them possible while creating an enjoyable experience for our client. Easy projects need not apply". He really sounds confident in his abilities. Ask yourselves, would you be happy with such a situation? What about the ecosystem, all the beauty of nature whether it be native plants, trees and wildlife? Do they get a vote! Please say no to the first step in ruining a beautiful town like Warren. Warren's 10 yr plan describes everything we know it to be, please keep it that way!

Thank You for letting express our fears  
Sincerely,

Celia & Leonard Ucciardo  
31 Brick School Rd  
Warren, Ct 06754  
celiau@hotmail.com