



Town of Warren
INLAND WETLANDS & CONSERVATION COMMISSION
Public Hearing and Regular Meeting Minutes
Thursday, November 19, 2020 – 7:00 pm
Via Zoom Video Conference (See link to full recording below)

PRESENT were Chairman John Favreau, Vice Chairwoman Cynthia Shook, Nancy Binns, and Nora Hul-ton. And Alternate Tara Tanner. **ABSENT** were Thomas Caldwell and Alternate Darin Willenbrock. Jo-anne Tiedmann was present to begin the videoconference platform; at 7:00 p.m., she turned the monitor controls over to Richelle Hodza, Land Use Officer.

Call to Order, Seating of Members, and Designation of Alternates. Chairman Favreau called the meeting to order at 7:03 p.m. Seeing four regular members, he did not seat Ms. Tanner.

Public Hearing. Chairman Favreau opened the public hearing regarding IWA #: 20-10-01 / Paul Szy-manski, P.E., President of Arthur H. Howland & Associates, P.C. on Behalf of A5MK 21 Arrowpoint Road, LLC, Peter and Meredith Kosann / 21 Arrowpoint Road, Assessor's Map 45 Lot 29 / Raze Existing Single Family Dwelling, Construct New Single Family Dwelling (Received October 29, 2020).

Mr. Szymanski presented the applicants' proposal, holding up a site development plan, which had been previously posted on the Town's website and emailed to commission members. The proposal consists of the demolition of an existing single-family home within the upland review area of Lake Waramaug. A new six-bedroom home was to be constructed, however, the new home would be outside the upland re-view area. The existing septic fields were to be utilized, the septic tank and pump chamber, however would be replaced. Presently there is no stormwater management system for the roof runoff. Proposed are two rain gardens on the south side of the and two on the north side of the proposed home. These can all handle and infiltrate 7 inches of rain in a 24-hour period, which is greater than a 100-year storm event. Trees that were to be removed have been marked on the plan; including invasive Norway maples and a couple of dead trees; otherwise the earthworks would be limited to around the home. Staked haybales and silt fences are proposed at down-gradient side of the relatively gentle grade, so there is little potential for erosion and sedimentation during construction. Torrington Area Health Approval has been received. Mr. Szymanski concluded by inviting questions.

Ms. Hodza stated that Mr. Szymanski had produced the mailing certificates of all of the property owners within two-hundred feet of the subject property and that the Public Notice had been posted on the website more than ten days in advance of this hearing.

Chairman Favreau discussed observations made during the Special Meeting for a Site Walk on Sunday, November 8th. There had been concerns that were walked through in terms of the demolition of the exist-ing house and the E&S controls that were to be put in place. There were a number of trees coming out, including stumps and these were noted. Mr. Sean Hayden of the Lake Waramaug Task Force was con-tacted, but had not yet been able to review the project as of this public hearing. Mr. Favreau invited Ms. Binns to comment; she said she wanted to hear the neighbors' comments first. Ms. Holton felt that the proposed stormwater management proposal was much better than was in place now. She noted that the Norway maples were a common invasive on Arrow Point. Ms. Shook had no questions at this time, find-ing that the site walk had provided a good understanding of the proposal. Ms. Tanner had no questions.

Ms. Hodza asked Mr. Szymanski to elaborate on the procedure for removing the basement. Mr. Szyman-ski stated they would install the erosion controls; dumpsters would be placed in the existing driveway; the house will be demolished first and its debris put in the put in the dumpsters; the basement would be dug out and the material would be separated into wood products and concrete products, which would be taken

to a recycling facility. Once the new basement is excavated, that material will be used to back-fill the hole left by the former basement.

Ms. Hodza asked about any fuel tanks and similar equipment that may exist in the current basement. Mr. Szymanski stated that there was one fuel tank in the basement which would be pumped out by the fuel oil company. The tank itself is lifted out and taken off site intact by its chain points.

Mr. Favreau asked for more details on the runoff and its handling. Mr. Szymanski read from his application the calculations for each rain garden's capacity. Mr. Favreau asked about the driveway. Mr. Szymanski stated that the existing paved driveway was being retained, except the portion where the new house would sit. A new parking area would be constructed upgradient of the new home, there will be a courtyard parking area to the south, in front of the house.

Ms. Hodza asked Mr. Szymanski to explain the outlet for the footing drain and splash pool, which seemed quite close to the lake. Mr. Szymanski stated that in order to get positive pitch from the new basement to the lake, the drain needed to exit about forty feet from the lake. There is currently no evidence of erosion at that location, which is where the current footing drain outlets. The splash pad is proposed to allow for and encourage infiltration. The groundwater in the splash pad would clean water. Ms. Hodza asked about vegetation between the splash pad and the lake. Mr. Szymanski responded that a seed mix could be planted if necessary in the spring.

Mr. Favreau asked if the proposed basement was significantly lower than the existing one. Mr. Szymanski stated that it was not; that a 1% grade for the footing drain could be achieved and still outlet at the present location. Mr. Favreau confirmed that the new house would be on a slightly higher elevation.

Mr. Favreau asked members of the public for their comments. Hermann Tammen, 50 Curtiss Road, was recognized. Mr. Tammen asked where the watercourse was. Ms. Hodza and Mr. Favreau stated simultaneously that it was the Lake. Mr. Tammen stated that the terminology being used on the application [to define the submerged land also known as Lake Waramaug] was incorrect; a lake is not a watercourse. Mr. Tammen stated that the enormity of this project should require more than one map including a planting plan, detailed maps of the raingardens, a detailed map of the old house, and demand maps that very clear. The single map on the website was filled with so much information that it was not clear. Mr. Tammen had a number of questions about the septic system; however, because the Torrington Area Health District had approved the application for the six-bedroom house, the Commission was satisfied that it met public health codes. Mr. Tammen noted that the plan was produced for 21 Arrowpoint LLC [not the current owner] and referred to Lots 18 & 19. He wanted to know what these numbers represented and were the two lots combined? Ms. Hodza stated that the lot numbers refer to the original subdivision and that the lots had been merged and were assigned the number 21. Mr. Tammen referred to the Letter of Authorization giving Mr. Szymanski's firm permission to act on the Kosann's behalf. He noted that the typeface of "Arrowpoint LLC" was different from that used on the rest of the letter and wanted to know the rules for determining who owns the property. Ms. Hodza stated that she had addressed the ownership issues with the office manager of Arthur H. Howland & Associates who subsequently corrected the letter. Ms. Hodza stated that the house had recently been sold and that the new owner was also an LLC and that she checked with the Secretary of the State's business filings, which did list the Kosanns as members of that LLC. Mr. Tammen asked a question about the rain gardens. He wondered what the neighbors would think about a lot of water coming down to the four rain gardens.

Ms. Hodza explained for the benefit of the public the basic purpose of a rain garden, which is to prevent overland water flow by encouraging capture and infiltration.

Chairman Favreau thanked Mr. Tammen for his comments and explained that the Commission does require detailed maps sufficient to address the issues Mr. Tammen raised. The Torrington Area Health De-

partment supersedes and overrules this Commission's approval regarding septic systems. TAHD's approval must be accepted. Mr. Favreau asked Mr. Szymanski to follow up.

Mr. Szymanski explained that in the State of Connecticut, a 50% increase in flow can occur without increasing the size of the leaching fields. The proposal calls for a 20% increase in flow, from five bedrooms to six. The proposed septic tank is 1500 gallons, which is in accordance with the Public Health Code. Mr. Favreau asked what size the current tank was; Mr. Szymanski believed it was a 1250-gallon. Mr. Szymanski stated that a reserve area in accordance with the Health District was provided for and that the current tank would be pumped, crushed, and abandoned in accordance with the Public Health Code.

Mr. Tammen had a question about the proposed water service line from the road to the house. Mr. Szymanski stated that as part of the home inspection, the water line was found to be damaged; so a new water line was needed.

Mr. Tammen asked for further explanation on how the area would be protected since during construction, trucks would have to be introduced. Mr. Szymanski explained that demolition is taking place from the west side of the house which is outside of the upland review area. There are two rows of erosion controls, two rows of staked haybales to protect the lake.

Chairman Favreau asked for other comments from the public and recognized Ms. Claire Guadagno of 31 Arrow Point Road. Ms. Guadagno wanted to know the amount of increased impervious surface created by the proposed driveway. Mr. Szymanski stated that a portion of the existing driveway that runs to the old house nearer to the lake was to be removed; the new parking area would be comparable in size to the portion that was removed. Mr. Szymanski stated that the increase in impervious surface was due more to the increase in the size of the house. Mr. Szymanski stated that the existing impervious surface is 10.7% and the proposed impervious surface area is 14.4%, which comes from the increased footprint of the home. He reiterated that the current home has no stormwater management systems while the current proposal does.

Mr. Keith Galley of Marblehead, MA, property owner of a vacant lot to the north asked about the splash pool in the northeast corner. He wanted Mr. Szymanski to confirm that it was a subsurface drain and asked for further information about his testimony in which he stated that in the spring there may be ponding or pooling. Mr. Szymanski countered, responding that there may be discharge of groundwater, but that there is proposed a 40 square foot area of crushed stone and a sandy mix to allow the water to infiltrate, not pool or pond.

Ms. Binns made a MOTION to CLOSE the PUBLIC HEARING. Ms. Shook SECONDED, Ms. Binns, Ms. Shook, Ms. Hulton, and Mr. Favreau were all were in favor. MOTION CARRIED. The Public Hearing was closed.

Consideration of the Minutes. On the Special Meeting Minutes of October 29, 2020, and those of the Special Meeting, Site Walk, of November 8, 2020, Ms. Binns made a MOTION to ACCEPT; Ms. Hulton SECONDED, all were in favor. The MOTION CARRIED. The minutes of both meetings were approved.

Addition of New Applications Submitted Subsequent to the Posting of the Agenda. None.

Pending Applications. IWA #: 20-10-01 / Paul Szymanski, P.E., President of Arthur H. Howland & Associates, P.C. on Behalf of A5MK 21 Arrowpoint Road, LLC, Peter and Meredith Kosann / 21 Arrowpoint Road, Assessor's Map 45 Lot 29 / Raze Existing Single Family Dwelling, Construct New Single Family Dwelling (Public Hearing opened November 18, 2020)

Ms. Binns made a MOTION to APPROVE the application; Ms. Hulton SECONDED. Mr. Favreau asked

for further discussion. He, himself, stated that the site walk was reassuring and that the additional row of staked haybales was an improvement from the initial plan, that the explanation of the deconstruction of the existing house and related appurtenances was sufficient. Mr. Favreau asked for additional deliberations from the Commission, calling on each individually. They each felt that their questions had been answered both by having visited the site and the testimony at this hearing.

Ms. Hodža reminded the commission that it could ask for conditions, such as a bond or certain kinds of plantings, etc. Chairman Favreau remarked that additional details of the rain gardens and plantings are often part of the application; however, he felt that the topography of the subject property was a gradual slope such that there was little threat to the lake. He noted that there had been questions about the splash pool's ability to handle the ground water, but they had been addressed.

Chairman Favreau noted that Ms. Hodža had raised an important consideration. He also remarked that in other cases around the lake in which a bond was required, the slopes tended to be much steeper. There was a smaller chance that erosion could take place on this particular property. Ms. Hodža stated that lake shore property owners are historically extremely concerned about projects on the lake, based on her experience working in the Town of Washington. She explained hypothetical situations in which the project might be stalled or abandoned, leaving a big hole in the ground which, without a bond, might not be able to be remedied. Discussion ensued over the inexperience of bonding requirements and how amounts ought to be determined. Ms. Hulton reasserted her assessment of the measures taken to assure protection of the lake from erosion and sedimentation owing to the proposed installation of rain gardens which are planted with specific kinds of vegetation effective at controlling moisture in both dry and wet periods. Ms. Hodža thanked Ms. Hulton for her input and had nothing further.

Ms. Binns stated that she was ready to vote. Ms. Shook wanted to know whether or not we have bonds in place for the other properties around the lake. It was recalled that most of the ones for which approvals were conditioned upon bonds had public hearings and tended to be very steep.

Ms. Binns asked how the amount of the bond was determined. Ms. Hodža was unable to answer, for lack of information. Chairman Favreau asked Ms. Hodža to research bonding schedules in advance of future proposals. Ms. Binns agreed that more clarity on bonding procedures was needed.

At 8:01 p.m., Mr. Favreau seated alternate Tara Tanner for Tom Caldwell, since Ms. Shook had lost connection to the videoconference and a quorum was needed. Chairman Favreau called for a vote. Ms. Binns, Ms. Hulton, and Ms. Tanner voted to APPROVE the application as presented, without conditions. Chairman Favreau voted not to unconditionally approve the application. The MOTION CARRIED, the APPLICATION was APPROVED by a vote of 3 – 0.

New Applications. Chairman Favreau announced application number 20-10-02 / Dennis McMorrow, P.E. of Berkshire Engineering & Surveying, LLC on behalf of Roger Hedman of Riga Construction LLC for property owner Maria Marshall / **53 Curtiss Road**, Assessor's Map 8 Lot 23 / Partial demolition of existing cottage for addition of pool house, spa, pool, and cold plunge pool designed by Allee Architecture + Design, LLC. (Received November 19, 2020)

Mr. McMorrow, professional engineer, stated that his firm had done an A-2 and T-2 survey of the property and that the wetlands were established by George Malia, soil scientist.

Vice Chairwoman Shook returned to the video conference.

Mr. McMorrow explained the proposal and referred to the plans he had submitted. There's an existing structure that we're going to create the pool house in and then the top structure is the existing house and there is a band there's an intermittent water course, a brook, which runs down the left side. The 100 foot

regulated area which bisects the property comes up to the middle structure. The plan is to construct minor additions to that structure and create a pool house. There is a garage by the road and the main house is toward the rear of the property. The middle structure, where the work is proposed, was discontinued as a dwelling when the newer house (ca. 2004) was built. The pool house will have a patio, spa, and plunge pool and a little grass lawn with a semicircular retaining wall. The existing well, which is underneath the building will be abandoned and a new well will be drilled so there will be room for the septic. Also needed is a trench for underground utilities to upgrade from the overhead system to a 400 amp system. We are working with its agent Mr. Rossi of TAHD and we will need a central sewer waiver from the state of Connecticut.

Additional questions of clarification were asked of Mr. McMorrow, all of which he answered. Mr. John Allee, the architect was available, as was Mr. Roger Hedman, of Riga Construction. No questions were asked of them at this time. But, it was determined that a site visit should be scheduled.

Ms. Binns made a MOTION to ACCEPT the application. Ms. Hulton SECONDED. Ms. Binns, Ms. Hulton, Mr. Favreau, Ms. Shook, and Ms. Tanner were all in favor. The MOTION CARRIED.

Ms. Binns made a MOTION to hold a SITE WALK by SPECIAL MEETING. Ms. Hulton SECONDED. The MOTION CARRIED. The Special Meeting, Site Walk was scheduled for Sunday, November 29, at 3:00 p.m.

Other Business. None

Consideration of Proposed Meetings Schedule 2021. Ms. Binns made a MOTION to APPROVE the Regular Meeting Schedule for 2021. Meetings would continue to be held on the fourth Thursday of each month. Ms. Hulton SECONDED. All were in favor, the MOTION PASSED.

Enforcement Report. Ms. Hodža had no reports of violations and activity was low. No start cards had been received. None of the people to whom Wetlands Permits were given had begun work or appeared to be in violation of their permit.

Communications. Ms. Hodža mentioned that the Connecticut Association of Conservation and Inland Wetlands Commissions will be presenting the 43rd Annual Meeting & Environmental Conference online on Saturday, December 5, 2020. <https://caciwc.org/pages/annualMtg/2020/index.html>

A letter from the Society of Soil Scientists of Southern New England was received, which stated that its list of registered soils scientists was no longer going to be sent in hard copy, however its website lists the registered professionals. http://nesoil.com/ssssne/SSSSNE_Official_Registry.html

Adjournment. Ms. Binns made a MOTION to ADJOURN the REGULAR MEETING until the next, on **January 24, 2021**. Ms. Hulton SECONDED; the MOTION CARRIED.

Respectfully Submitted,



Dated: 11/25/2020 12:49 pm

Video Recording of Proceedings:

https://zoom.us/rec/share/Vfc6o6Lpn0Pp56uWbnBkT0eS_5hFAzNrgtw4dG8VteG3m6XPOfoM8J9poqdybk.pQggtReuhKIKwlhU