



Town of Warren  
INLAND WETLANDS & CONSERVATION COMMISSION  
50 Cemetery Road  
Warren, Connecticut 06754  
860 868 7881 x 117

**Regular Meeting Minutes**  
Thursday, April 22, 2021 – 7:00 pm

*Via Zoom Videoconference (Recording Link Below)*

**1. Call to Order, Roll Call, Seating of Alternates**

Mr. Chairman, John Favreau called the meeting to order at 7:03pm, present were Nancy Binns, Nora Holton, absent were Cindy Shook, Tom Caldwell, and Darin Willenbrock. Alternate Tara Tanner was seated for Mr. Caldwell.

**2. Consideration of the Minutes**

Ms. Binns MADE A MOTION to APPROVE the minutes of the meeting of March 25, 2021 as presented, Ms. Holton SECONDED the motion; all were in favor. The MOTION CARRIED.

- a. Public Hearing and Regular Meeting – March 25, 2021

**3. Pending Applications**

- a. IWA# 21-02-02 / **39 Arrow Point Road**, Assessor's Map 41, Lot 4 / Paul Szymanski, P.E., on behalf of the Gally Family Irrevocable Real Estate Trust of 100 Newbury Court, Concord, MA / Proposed construction of a single family dwelling, detached garage, driveway, septic system, landscaping and related appurtenances. (*Date of receipt by Land Use Officer 2/22/2021, Date of Receipt by Inland Wetlands Commission 2/25/2020; Plans revised on 3/24/2021*). Mr. Szymanski stated that the plans remain unchanged since the last meeting. The proposal calls for construction of a single family home and a septic system. The home will be served by the water company that exists on arrowpoint road. There is a proposed patio on the rear of the house on the lakeside, the downgradient side has a stone infiltration trench, a narrow path to the lake, a rain garden to take care of any runoff from the home. The 100 year storm event showed the rain garden at 25% its full capacity. There is a small lawn area between the proposed wooded area which is to be supplemented with plantings. There is a lawn area approximately 15 feet deep along the width of the lot with a ten foot path leading to the dock previously approved by the commission, the access to the water had been shifted to preserve a 30 inch oak tree and significantly increased the buffer in relation to what was originally approved in the February meeting. Chairman Favreau asked if the patio was permeable. Mr. Szymanski verified as the impervious surface coverage has to be fewer than 15%, to accommodate that they put in a permeable patio. Mr. Szymanski stated that 35% of the rear facing the lake has a stone infiltration trench as well. Ms. Holton asked what the percentage of the impermeable surface was, Mr. Szymanski stated it was 13.9%. Chairman Favreau asked if Torrington Area Health Approved the septic. Mr. Szymanski stated they had. Ms. Hodza stated she was unsure if she had that approval, she stated she had the approvals for the proposed generator, proposed propane tank and proposed garage but not for the house and septic. Mr. Szymanski stated that they originally sent them the house and it was approved on

February 12<sup>th</sup>. Ms. Hodza requested another copy of the original approval. Chairman Favreau asked if Mr. Szymanski could share the plan and the proposed changes received at the last meeting. Mr. Szymanski shared his screen to show the original vegetative buffer as a major change and the removal of the shed. The rain garden remained unchanged, the 30 inch oak tree was to be removed originally which will now be saved. Mr. Szymanski stated that in the new plan the buffer goes up to the edge of the patio and is 17ft. The lawn area is 15 feet. Mr. Szymanski stated that the shed was also removed. Chairman Favreau asked the distance from the shore to the house. Mr. Szymanski stated it was about 72ft to the house. Chairman Favreau asked if there was consideration of having the house beyond 100ft. Mr. Szymanski stated that the community water system is in the cul-de-sac, so there exists a protective radius within 200ft so the septic system can only be placed in certain location. Mr. Szymanski stated that this protective area prohibited the house and septic from being in any other location. Ms. Hodza stated that she was concerned about the patio, and was glad to hear the explanation as to why the house was so close to the lake. Ms. Hodza asked if it were possible to have the septic fields moved northwesterly slightly and have the garage on the other side which could possibly bring the house closer to arrowpoint road and further from the lake. Mr. Szymanski stated that appeared to adjust it by about 20ft distance to the lake. Mr. Hodza confirmed. Mr. Szymanski asked what the concern was regarding the proximity to the lake if they were infiltrating the roof run off way beyond the 100 year storm event. Ms. Hodza stated she just wanted to be sure that there exist no other feasible and prudent plan than that which is presented. Mr. Szymanski stated that with three layers of sedimentation and erosion control, the size and effectiveness of the rain garden, the permeable patio and the infiltration trench; he did not believe there was any impact to the wetlands. Mr. Szymanski stated that zoning does allow the structure within 50ft of the lake, which is why they engaged Mr. Shippel to add plantings for vegetation. Ms. Hodza asked which side of the property was lower. Mr. Szymanski stated there is a very slight grade from the northwest to the southeast, however he believed there would be no run off into the lake. Ms. Hodza asked if the silt fence would be enough to protect the neighbor as they are disturbing .9 acres of the 1.1 acre plot so runoff and erosion is a concern. Mr. Szymanski asked if Ms. Hodza meant during construction, Ms. Hodza confirmed. Mr. Szymanski stated that they did not show staked hay bales and coir wattles in the plan but they would be happy to put those in. Ms. Holton asked if he could show via the map where the additional hay bales and coir wattles would be added. Mr. Szymanski showed where the silt fence, staked hay bales and coir wattles would be extended. Mr. Szymanski showed Mr. Shippel's proposal of the plantings in the buffer area and listed the different plants that would be added and the locations. Chairman Favreau asked if there was any additional removal of current vegetation. Mr. Szymanski confirmed. Ms. Hodza asked about the native plantings listed as being added between the boulders, Mr. Szymanski stated that was from a different client plan and should not be included in the drawing, that there was no disturbance in the shoreline at all or within the rocks. Ms. Holton asked if the plantings were plantings or seed. Mr. Szymanski stated they would be plants. Ms. Hodza stated if the commission

feels they would like to deliberate and vote or if they would like to ask for an extension they could, Ms. Hodza recommended a bond for the project especially due to the fact that this land has not been built on, as a treed lot which almost the entire lot being disturbed, it would be for the commission to decide if it was significant enough to hold a public hearing and the public can request a public hearing if it so chooses by a petition of 25 signatures or more. Ms. Hodza stated that the attorney is determined by the engineer or the applicants engineer to estimate the amount of an appropriate bond. Mr. Szymanski stated he could provide unit pricing for the sediment and erosion control and reseeding via a quote from Scotts Landscaping, and Ms. Hodza can send the estimate to a third party if she deemed it necessary. Chairman Favreau asked if there was urgency regarding the construction of the lot. Mr. Szymanski stated that due to the denial of the dock application via zoning without a residence, there has been an increased urgency on beginning the construction. Chairman Favreau stated the commission had not received any feedback from the Lake Waramaug Task Force and due to this not being a public meeting, if they requested an extension to be able to hear and access any other comment would the engineer be inclined. Mr. Szymanski stated that he had to submit for a public hearing to zoning for a special exception because the house is located within 100ft so he could send a 35 day extension to allow Mr. Hayden to review the plan and Mr. Szymanski could also get the bond estimate to Ms. Hodza within 2 weeks.

- b. IWA#21-02-04 / **369 Lake Road** Map, 44 Lot 03 / Adam J. Singer, AJ Dock Builders LLC on behalf of John Lyons and Susannah Gray / Install granite stone at shoreline for the purposes of mounting dock hardware; install dock. Mr. Singer stated they were proposing granite stone and two 16X4ft wide catwalks out to float dock. Chairman Favreau asked how they were fixed to the shoreline and the activity of installation. Mr. Singer stated they would be installing a 5ft granite bulkhead, and attaching it this way. Chairman Favreau asked if it was the only point of fixture to the shore, Mr. Singer said that was correct and they would anchor the dock out in the water using natural stone and chain. Chairman Favreau asked if there was excavation happening or if it was resting on the soil. Mr. Singer stated approximately 2 yards removed to set the stone in, and the company was with Mr. Singer. Chairman Favreau asked what the plan was for erosion control. Mr. Singer stated that silt fence would be installed before and during excavation and the granite would be installed with an excavator, silt fence will remain in. Ms. Hodza asked the excavation company to speak to the erosion and control. Mr. Chris Bruzzi stated that the thickness of the stone is 2ft to 30 inches thick so they may need to excavate up to 2 yards of material which would be removed and taken off site and the stone would be set with a gravel base and the dock would be attached to the bulkhead stone. Silt fence would be installed, seed and hay the area same day, and that they use AlternaMats to not disturb existing turf. Ms. Hodza asked if a boon was necessary in the water. Mr. Bruzzi stated that they could install a silt boon however they would not be in the water as the stone is quite large. Chairman Favreau asked how far off the shoreline the stone would be placed. Ms. Hodza stated it would be directly in the shoreline. Mr. Bruzzi stated there was a natural escarpment there which is why there is minimal excavation. Ms. Hodza asked if the

tree nearby could remain. Mr. Singer stated that it will be able to stay. Ms. Holton asked what the trench was that has already been dug. Mr. Singer stated that was a preapproved activity for taking water out of the lake for purposes of irrigation for the property. Mr. Singer stated that the line boring was done under the road, Mr. Manley is inspecting tomorrow, and the irrigation company will come subsequently. Chairman Favreau asked if that was approved, Mr. Singer stated it was approved in January and Ms. Hodza verified. Mr. Singer stated that the owner approved native plantings if the commission wanted, Mr. Singer stated that screening around the pump would be a location they could add native plantings. Ms. Hodza stated that plantings may help. Mr. Singer stated that the 50 ft wide is basically grass going to the shore but the owner is open to native low plantings. Ms. Holton asked if it warranted a site walk. Ms. Hodza stated that you can see from the road the entire site, it is all stable and has been untouched, the tree being saved is a positive but additional plantings help with infiltration. Mr. Singer stated 20 or so shrubs would be sufficient coverage for the area. Ms. Holton asked about the rock escarpment the granite would be on. Mr. Singer stated that there is a natural escarpment, and they would be placing one large stone within it and that it would interface nicely with the shoreline. Hodza asked to attach the dock, drill holes in the stone and put eye bolts in it. Mr. Bruzzi verified, Mr. Singer stated that the dock would be all red cedar, no concrete and no pressure treated. Holton supported the plantings and asked Ms. Hodza if she was concerned about erosion. Ms. Hodza stated that it is a flat piece of land, no steep grade, with the proper erosion control it was a fine proposal. Chairman Favreau asked how long the project would take. Mr. Singer stated it would take no more than three days from start to finish. Chairman Favreau asked if this warranted a bond, Ms. Hodza stated that its certainly useful. Ms. Ms. Hodza stated she would like the commissions opinion regarding putting a boon into the lake, as it is typically standard. Chairman Favreau stated that between a boon and silt fence that would be appropriate given the sensitivity of the lake. Ms. Binns asked what the boon does. Ms. Hodza stated it protects shoreline earth and debris from going into the lake. Ms. Hodza stated that the work being done is minimal, however a boon in the water and silt fence around the excavated material ensures the lake is protected. Mr. Singer stated that they would not be touching water while they are digging, the catwalk will go over a piece of land before it goes into the water. Ms. Hodza stated there is no place to attach the dock to at present, and the testimony provided tonight is sufficient, a \$1000.00 bond is within the right of the commission. Chairman Favreau asked if there was a motion to approve the application subject to the conditions of the excavated soils being removed immediately, the installation of silt fence, the seeding and haying of surrounding property, the AlturnaMATS for vehicles, a silt boon to be installed in the lake, native plantings and a bond in the amount of \$1000.00. Ms. Binns made the MOTION, Ms. Tanner SECONDED the motion; all were in favor. The MOTION CARRIED. The application was approved subject to the conditions list.

**4. New Applications** (*Receive and determine significance*)

- a. IWA# 21-04-01 / **27 Cornwall Road**, Map 50 Lot 15 / Riga Construction for Renaud Charrin / Dig trench along length of driveway, bury power lines. (*Date of receipt by Land*

*Use Officer 4/21/21; Date of Receipt by Inland Wetlands Commission 4/22/21)* Mr. Segalla from Segalla Construction stated that the subject property has all overhead wires that go from the street to a pole, to the house. The proposal is to install silt fences on both sides of the driveway along the split rail fence, then excavate from the telephone pole down the existing driveway using a narrow bucket, material will be stock piled at the end of the split rail fence on the easterly side of the property. Mr. Segalla stated approximately 50 yards of material will be coming out and placed into a pile approximately 8ft by 4ft high surrounded by a silt fence. Chairman Favreau asked the depth of the trench, Mr. Segalla stated it was 30 inches. Mr. Segalla stated that after the trench is dug, the conduits would be put in and then they reinstall the material back into the driveway. The map shows the direction of route, well away from the septic. Ms. Hodza asked how long the project will take. Mr. Segalla stated it should take no more than 2 days, most likely a day and a half. Ms. Hodza verified that the building inspector would be coming out while the trench is opened. Mr. Segalla stated that was true. Chairman Favreau asked why there was no delineation from wetlands in the active disturbance area. Ms. Hodza stated that there was a great amount of fill brought in to create the driveway and at this point it is dry, as Mr. Segalla has represented a silt fence is all that can be done to protect the wetlands. Ms. Hodza asked why they move the dirt into the larger pile; Mr. Segalla stated that it was due to having to add sand into the trench as well. Chairman Favreau asked if they were using a mini excavator. Mr. Segalla verified. Ms. Binns made a MOTION to RECEIVE an ACCEPT the application, Ms. Holton SECONDED the motion; all were in favor. The MOTION CARRIED. Ms. Hodza reiterated the commission cannot make a decision for 30 days so in the next meeting it a decision could be rendered.

- b. IWA #21-04-02 / **11 Cornwall Road**, Map 50 Lot 18 / Richard Rosiello for Vanderbilt Partners LLC, 55 Hudson Yards, New York, New York / Landscaping with stone walls, steps, and sitting area in the regulated area.(Date of receipt by Land Use Officer 4/21/21; Date of Receipt by Inland Wetlands Commission 4/21/21) Mr. Rosiello and Mr. Schiller were present. Mr. Rosiello stated that they location of the proposed project had been inundated with invasive plant material, Mr. Schiller had spoken to a town committee and the neighbors who approved for him to remove the invasive plants. Mr. Scholler and his wife would like to create levels, install boulders to retain the slope, add steps, a seating area and camp style fire pit along with native plantings. The property slopes toward the east property line, and there is not a lot of drainage going toward the north line where the stream is. All the activities is within the regulated area, whatever material is graded off to create the levels will be repurposed on the site. instead of having it as a mowed lawn, it would be proposed to create habitats, incorporating flowers and native grasses. Mr. Rosiello stated there was silt fence; Chairman Favreau asked if there were stock piles indicated in the proposal. Mr. Rosiello stated that there are not because as the material is removed it would be pushed off and spread as they are being used. Mr. Rosiello stated they would be moving between 50 and 75 yards of material. Mr. Rosiello stated that he would like the option ot utilize staked hay bales, as he felt that silt fencing is sometimes more invasive and the hay bales would allow for them to be moved during progress. Chairman

Favreau stated there isn't clarity as to the areas of excavation as to before and after. Mr. Rosiello utilized the map to explain the change in contours. Chairman Favreau asked if there was disturbance from 470-476. Mr. Rosiello stated that 470 is not disturbed, 472-478 is where the grading changes. Chairman Favreau asked for clarity of the activity between 470 to the steps. Mr. Rosiello explained the adjustments. Chairman Favreau asked about the watercourse, Mr. Rosiello stated that there was a stream however it was not on the property. Chairman Favreau stated that it had to be taken into account either way. Ms. Binns asked what the invasive material was that had been removed, Mr. Rosiello stated there was a lot of honeysuckle, barberry, and Canada goldenrod. Ms. Hodza asked the length of time for the project. Mr. Rosiello stated it would be between 3-4 weeks. Ms. Shook MADE A MOTION to RECEIVE and ACCEPT the application, Ms. Binns SECONDED the motion; all were in favor. The MOTION CARRIED. The application was received and accepted.

**5. Requests to Add Matters to Agenda** (*Includes applications received by the Land Use Office to April 21 by 4:00 pm, 2/3 vote required*)

None.

**6. Other Business Proper**

None.

**7. Inland Wetlands Officer's Report** (*March 26 to April 25, 2021*)

Ms. Hodza stated that a second notice sent of possible violation which was sent to 38 Strawberry Ridge Road was returned/not received. Ms. Hodza stated on March 24 she sent the second notice not only to the Warren residence but also to the New York address which was on the deed. It was returned stated not a valid address, however it is the address listed on the deed. Ms. Hodza stated she has not been able to contact the owners. Chairman Favreau asked if the work had stopped, Ms. Hodza stated that she believed it had. Ms. Hodza stated that she would send another notice and order a Show Cause hearing. Chairman Favreau asked what was the legal process was. Ms. Hodza stated that the next step would be to send via certified mail a cease and desist and a hearing with the commission.

**8. Communications Received**

None.

**9. Public Comment**

Mr. Connor wanted to commend the commission on their thorough consideration of 39 Arrowpoint road, the great amount of disturbance on that lot has gotten the attention of the Lake Waramaug Association who has asked Mr. Connor to monitor the proposal. Mr. Connor stated that in his opinion it is a significant proposal and he appreciated the careful review being done by the commission.

Mr. Tammen, 50 Curtiss Road. Mr. Tammen asked about procedures regarding the fact that Ms. Binns approved the minutes however she was not present at the March 25 meeting. Mr. Tammen asked if she would be allowed to vote on the minute's approval. Mr. Tammen also stated that as the town is setting up the budget for the coming year he asked the commission to consider if their budget was sufficient or if they required more money for trainings etc. Mr. Tammen stated that due to Ms. Hodza's new certification he felt the commission should request a raise for Ms. Ho-

dza in the amount of 10%. Mr. Tammen thanked the commission for their work, and stated that the home on 39 arrowpoint should be 100ft from the lake.

Ms. Hodza and Chairman Favreau had a discussion on the budget in response to Mr. Tammen's statements.

Mr. Tammen stated he believed the town expected 5,000 to be brought in yearly from zoning. He stated that the commission could engage in trainings or adjust their regulations which would be costly.

Ms. Hodza stated that she appreciated Mr. Tammen's remark regarding the minute's approval. Chairman Favreau stated in consideration of the minutes from March 25, 2021 if there was a motion to approve the minutes. Ms. Holton made a MOTION to APPROVE the minutes, Ms. Tanner SECONDED the motion; all were in favor, the MOTION CARRIED.

Ms. Hodza state that the executive order requiring to hold zoom meetings ended, and there is an expectation that the state may require there to be zoom meetings in addition to in person meetings (as hybrid). Ms. Hodza stated that due to the executive orders ending she is required to hold a regular meeting and commission members would be asked to come to the town hall. Chairman Favreau stated that it would be possible to efficiently handle it with one laptop. Ms. Hodza stated that the meeting being held May 27<sup>th</sup> the commission would continue via zoom. Ms. Holton stated that Warren is registered with Sustainable Development and there are workshops that could be applicable to the commission. Ms. Holton thanked the members of the public who have participated in the meetings. Ms. Holton stated during the next meeting she may not be present.

## **10. Adjournment**

Ms. Shook made a MOTION to adjourn the meeting, Ms. Holton SECONDED the motion; all were in favor, the MOTION CARRIED. The meeting ADJOURNED at 8:48.

### **Video Recording of Proceedings:**

[https://zoom.us/rec/play/NeysDe7TpCbxjq7Em6uqlxSxGylisegI-Eayd\\_cnxj0ilLRbwAL\\_sZYtCFAU40chWWYTOQVJbo99m8kF.FIZT8TSSh-jr3dhz?continueMode=true&\\_x\\_zm\\_rtaid=\\_aQDYhEcQDu5I8Y2WsOLCw.1619614196268.be802748b946783906dc23548853d9a5&\\_x\\_zm\\_rhtaid=198](https://zoom.us/rec/play/NeysDe7TpCbxjq7Em6uqlxSxGylisegI-Eayd_cnxj0ilLRbwAL_sZYtCFAU40chWWYTOQVJbo99m8kF.FIZT8TSSh-jr3dhz?continueMode=true&_x_zm_rtaid=_aQDYhEcQDu5I8Y2WsOLCw.1619614196268.be802748b946783906dc23548853d9a5&_x_zm_rhtaid=198)

Respectfully Submitted,

Melissa Woodward, Recording Secretary

Dated: 4/29/2021