



Town of Warren
INLAND WETLANDS & CONSERVATION
COMMISSION
860 868 7881 x 117 or landuse@warrenct.org

Regular Meeting Minutes

Thursday, June 24, 2021, commencing at 7:00 pm
Lower Level Meeting Room of Town Hall
50 Cemetery Road, Warren, Connecticut 06754
(*Link to recording below*)

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

Chairman John Favreau called the meeting to order at 7:07 p.m. Including the Chairman, all five members were present: Nancy Binns, Thomas Caldwell, Nora Hulton, and Vice Chairwoman Cynthia Stilson-Shook. Alternate Tara Tanner was present and Alternate Darin Willenbrock was absent.

2. Consideration of the Minutes

- a. Minutes of the Regular Meeting of May 27, 2021. Ms Shook noted that although the minutes said she had abstained from voting on the approval of the April minutes because she was absent, she had abstained because she had not had a chance to read the minutes. The correction is duly noted. Ms. Hulton made a MOTION to APPROVE the minutes AS AMENDED; Ms. Binns SECONDED. The MOTION CARRIED.

3. Additions to the Agenda

Ms. Binns made a MOTION TO ADD IWA #21-06-05 89 North Shore Road, Assessor's Map ___ Lot 3, Duane C Blinn for Charles Blinn / After-the-fact permit for pond draining (Received by Land Use Officer on 6/23/2021). Ms. Hulton SECONDED. The MOTION CARRIED by unanimous vote.

4. Pending Applications

- a. IWA #21-05-01 / 44 Arrow Point Road, Assessor's Map 41, Lot 9 / Jehv Gold for Claire S. Gold / Construction of a screened porch, partially within the regulated area.
(*Date of Receipt by IWC 5/27/2021*)

Mr. Gold presented the information requested by the Commission at the last hearing regarding impervious coverage of the lot. The proposed screened porch added 0.1% and thus, still under the maximum allowable of 20%. The Commission reviewed the application and Ms. Hodza reiterated her findings of minimal impact to the lake. Ms. Shook made a MOTION to APPROVE, Ms. Hulton SECONDED, the MOTION CARRIED.

- b. IWA #21-05-02 / 28 Reed Road, Assessor's Map 17 Lot 43 / Demetrio Meduri for Star Meduri of 167 Town Hill Rd / Construct Driveway within the regulated area.
(*Date of Receipt by IWC 5/27/2021*)

Mr. Meduri presented a revised map with the measurements requested by the Commission at the last meeting. He stated that no material will be stored on the map. Ms. Hodza asked Mr. Meduri to explain how the driveway would be constructed. He stated that it would be done in sections. Ms. Hodza asked if there was a need for a culvert at the road. Mr. Meduri said he didn't think it would. Ms. Hodza asked if material would have to be brought in. Mr. Meduri said it would. He said they would dig down about 6-8 inches and lay down two-inch rocks. The topsoil would be taken off site in a dump truck and the crushed rock would be dumped directly into the driveway, not stockpiled. Ms. Hodza reminded Mr. Meduri that if the Commission were to approve the application, she must be notified by him when before construction began so that she could inspect the silt fence. Mr. Meduri said he understood. Chairman Favreau sought further questions. None was heard. Ms. Binns made a MOTION to APPROVE the application; Ms. Holton SECONDED; the MOTION CARRIED unanimously.

- c. IWA #21-05-03 / 26 D. North Shore Road/ assessors map 43 Lot 7 / Boyd Holk, General Manager of the Washington Club, removal of fence and proposed relandscaping between Holt beach and the Warren Town Beach. *(Date of receipt by IWC 5/27/2021)*

Ms. Hodza read an email from Mr. Holk in which he stated he requested that the Commission table the application until the next meeting. Ms. Hulton made a MOTION to TABLE the application to the next meeting; Ms. Binns SECONDED; all were in favor, the MOTION CARRIED.

5. New Applications (Receive and determine significance)

- a. IWA #21-06-01 / 85 Curtiss Road, Assessor's Map 7, Lot 19 / Paul Szymanski, P.E. of Arthur H. Howland & Associates, P.C. for Davidson and Elizabeth Goldin / Proposed construction of a single-family home with related appurtenances including driveway, pool, spa, pergola, septic well, demolition of existing house and capping of existing well. *(Received by Land Use Officer 6/21/2021; to be received by Commission 6/24/2021)*

Mr. Chris Francis was present on behalf of Arthur H. Howland & Associates. He gave the Commission an overview of the proposed project. The proposal was for the construction of a new five-bedroom house and the demolition of an existing house, garage and shed. The driveway would be altered and parking would be added. Soils testing had been done by Spencer Myles of Arthur H. Howland & Associates. The plan is to keep the existing house for use during construction as a shelter. Ms. Hodza asked for clarification: No existing structures would remain on the site. Mr. Francis concurred. The existing well would be capped and a new well would be drilled to the north. The bulk of the house would be within the review area. An intermittent stream exists on the property toward the west. The apron of the driveway would be moved westerly. Mr. Francis explained that the house site would be further up the hill from the existing house, but not at the top of the hill. He pointed out the existing tree line and said that a retaining wall of six to eight feet would need to be constructed. Mr. Favreau stated that the amount of disturbance to the site a site walk would be necessary and that a public hearing would be in the interest of the public. Ms. Hodza asked Mr. Francis what the total disturbance would be; he stated it would be approximately 2.2. acres. Ms. Hodza noted that the current residence has no basement. Mr. Francis said that the locations of the stockpiles would be subject to change; however, they would be surrounded by staked silt fence regardless of their location. Mr. Favreau noted that the legend does not match the indicators on the map. Mr. Francis stated that their CAD system was undergoing an upgrade and there were admittedly some glitches that were being worked through. Tittmann Design was the designer of the dwelling, but the architectural plans were preliminary.

Ms. Binns made a MOTION to receive the application and deem it a significant activity. Ms. Hulton SECONDED; the MOTION CARRIED.

Ms. Hulton made a MOTION to have a site walk on Monday, July 12, at 6:30 p.m. Ms. Binns SECONDED, the MOTION CARRIED.

Ms. Binns made a MOTION to hold a public hearing on Thursday, July 22, at Town Hall. Ms. Tanner SECONDED. The MOTION CARRIED.

- b. IWA #21-06-02 / 6 Arrow Point Road, Assessor's Map 45, Lot 9 / Gary Nurnberger Architect, LLC on Behalf of Arrowpoint Road LLC (Heath L. Watkin, Member) for approximately 200 linear feet of trenching and installation of utilities including lake water, well water, electricity, optical fiber cable, and propane near shoreline. Also included are an 8 x 10 storage shed on precast concrete and a 10 x 16 gravel bed.
(Received by Land Use Officer 6/21/2021; to be received by Commission 6/24/2021)

Mr. Nurnberger described the proposed utility trenches near the shoreline. The Commission questioned the nature of the various utilities that were needed at the shore and how close they would be. Mr. Nurnberger read a statement from the property owner regarding the reasons these utilities were needed at the shoreline. Vice Chairwoman Shook asked how far the house was from the lake. It was well over 100 feet. Ms. Hodza stated that she had emailed Officer Pat Kessler of the Lake Waramaug Authority to ask about his knowledge of the existence of utilities close to the water's edge. She read his email which stated:

"I know electrical has been installed at docks and buildings at the lakes edge. This has and should be done by a licensed electrician. As for propane tanks, I cannot answer that question. I know people have grills at the lake edge, but I think the installation of propane is a zoning, Fire Marshall and State of Connecticut question. (ie: areas and distances a propane tank or line can be installed. Water, I have seen), but that most likely is a zoning or building question."

Ms. Hodza went on to say that as she is also the Zoning Enforcement Officer, she wanted the present Commission to know that none of the application before it had anything to do with zoning. A zoning permit is not required for buried utilities.

Chairman Favreau questioned why so many utilities were necessary and why so close to the lake. Many people carry a portable propane tank down to the lake shore for use as fuel for a grill. Ms. Hulton wondered if this was really a hardship. Ms. Hodza reminded the Commission that the standard used in judging whether or not the application could be approved was whether or not the activity would have a significant impact on the lake and was there a prudent and feasible alternative to the proposed activity.

Ms. Hodza asked how many linear feet of trenching would be required. Mr. Favreau reiterated asking how many cubic yards of earth would be disturbed.

Ms. Hodza added that she spoke with Mr. Sean Hayden of the Lake Waramaug Task Force on another application regarding the use of lake water for the purpose of lawn irrigation and he said it was a common practice on the lake and the draw was not regulated except at amounts of 50,000 gallons per day, which is the amount typically used by a golf course.

Ms. Binns asked if the number of different utilities were reduced, could the size of the trench be reduced. Ms. Hodza called on Mr. Caldwell who is an excavator by profession. He stated that much of the time it has to do with a practical matter – namely, the size of the bucket the excavator has on his machine. Removing one or two utilities would have little impact on the size of the trench and, therefore, disturbance.

Ms. Shook wanted to know why the property owners couldn't walk the 175 to the lake with a propane tank and had reservations about the representations made with regard to the need for so many utilities at the lake.

Mr. Watkin, who was attending the meeting by video, wished to be recognized. He stated that the electricity was needed to power the lake pump for irrigation since the property is located on a community well and is not allowed to irrigate using well water. Ms. Hulton asked Mr. Watkin to run down the list of the utilities and state their need. Mr. Watkin agreed, stating that although there is no immediate need for propane, since the trench is open, it would be the most sensible time to install the line for any future need. The drinking water is the same notion.

A map with a cross section of the trench with the location of the utilities was produced by Ms. Hodza from an earlier map that was submitted by the applicant's architect. Mr. Watkin said that the shed would likely have a light bulb and electricity inside. It was noted that the shed has a wood floor. There was a request to note the shed and the gravel pad on the application if the applicant wished to include them as indicated by the plans.

There was a question of whether a site visit was warranted. Ms. Hodza stated that the site was relatively flat and that the aerial photographs are very clear for this site.

There was a question of mature trees at the lake. Mr. Watkin stated that they were going to be further away from the lake than the trees.

There was concern about precisely how far away from the trees the trench would be and whether or not the roots of those trees would be damaged or disturbed. Mr. Nurnberger measured a distance of about 24 feet at the northerly line.

Ms. Shook asked why the trench to the shed wasn't shown. Ms. Hodza pointed out on an earlier drawing, there were three access lines along the 152 feet.

Mr. Watkin asked how others have accomplished the installation of utilities at the lake. Ms. Hodza offered to do research about that. Some of it was grandfathered in.

Mr. Caldwell said the farther you can keep the trench that is proposed to be parallel to the lake, away from the lake the better, particularly because the excavator might run into a large boulder or obstacle, which would cause more disturbance. Mr. Watkin stated that they had planned to stay 20 to 25 feet from the lake in order to avoid the root balls.

The distance from the lake and the volume of material being disturbed were the main concern, potential runoff during heavy rains while the trenches are open. Mr. Watkin wanted to know if there were additional recommendations. A bond was discussed and Ms. Hodza said she would seek advice on determining an appropriate amount.

Ms. Shook made a MOTION to receive and accept the application with an amended plan to show the recommendations made by the commission including additional erosion control measures, greater setback

from the lake, and the location of the trench to the shed. Ms. Hulton SECONDED. The MOTION CARRIED.

- c. IWA #21-06-03 / 37 Brick School Road, Assessor's Map 21, Lot 24-02 / Terry Shook and Cynthia J. Stilson-Shook of 236 Brick School Road / Construction of a proposed single-family dwelling and barn. *(Received by Land Use Officer 6/22/2021; to be received by Commission 6/24/2012)*

Dennis McMorrow, P.E. of Berkshire Engineering and Surveying, introduced the application. Ms. Shook recused herself, left the dais, and sat among the public. The vacant parcel is 6 acres on the East side of Brick School Road. The wetlands were marked by George Malia. The previous owners stripped the property of the topsoil, which created more wetlands than had naturally existed. There were four different pockets of wetlands and several areas of exposed ledge. There is an existing driveway and gate. The total disturbed area is 1.1 acres including the septic system. The proposal is for a barn 110 x 110 which includes 16 stalls and a riding ring. The proposed house is an attached 2-bedroom dwelling. The lot is generally very flat. The application for the septic is pending with TAHD. A member asked whether both buildings would be built simultaneously. Ms. Shook stated that there was news that she may not have to build the dwelling at all. Ms. Hodža stepped in to clarify as Zoning Enforcement Officer who had reviewed the zoning regulations following a brief pre-application meeting with Ms. Shook. Although the plans call for a dwelling, Ms. Hodža stated that as she read and interpreted the November 24, 2018 edition of the Planning and Zoning Regulations, agriculture is permitted as a primary use on a property that is zoned for residential use and that the caring for livestock, including horses, qualifies as an agricultural use. A member asked whether there would be a need for a septic system if the house was not going to be built. Ms. Tanner stated that many barns have a bathroom for those tending the horses. It was pointed out that a bathroom had not been proposed for the barn. Mr. McMorrow stated that you would still have a well in order to water the horses. Ms. Hulton asked about pastureland. The horses are already grazing there. There was a question of whether or not a site walk was needed. Ms. Hodža said much of it can be seen from the road. Mr. Favreau was concerned about the significant disturbance and suggested that it was in the interest of public to hold a public hearing.

Mr. McMorrow stated that the original map for the parcel was dated December 1987 and was drawn by Linwood Gee & Sons, LS, Revised November 13, 1989 to show parcels one and two, and then revised September 13, 1991 to show the drives and the relocated pond.

A MOTION was made by Ms. Binns to RECEIVE and ACCEPT the application, Ms. TANNER SECONDED; the MOTION CARRIED.

Ms. Binns made a MOTION to hold a public hearing given the significance of the disturbance; Mr. Caldwell SECONDED. The public hearing was set for July 22, 2021 at 7:00 p.m. The MOTION CARRIED.

Ms. Shook rejoined the Commission.

- d. IWA #21-06-04 / 47 Rabbit Hill Road, Assessor's Map 9, Lot 27 / Nora Hulton / Proposed addition to single family dwelling. *(Received by Land Use Officer 6/22/2021; to be received by Commission 6/24/2012)*

Ms. Hulton recused herself and presented her application. She stated that the previous owner had dug a small pond about 10 feet in diameter. Ms. Hodža stated that she had visited the site and noted that the pond is actually upgradient from the proposed construction area. Ms. Hulton stated that TAHD had approved the application; however, it was printed on a New Milford Health District form. A proper form was issued by Richard Rossi and was on its way to Warren. The disturbance was within the review area; however, the threat to the pond was nil. Ms. Hodža said she felt she could have made an agent determination, but because Ms. Hulton was a member of the commission, she felt it was important for transparency, to have the entire commission review the application.

Chairman Favreau made a MOTION to RECEIVE and ACCEPT the APPLICATION; Ms. Shook SECONDED, the MOTION CARRIED.

- e. IWA #21-06-05 / 89 North Shore Road, Assessor's Map 46, Lot 3 / James Blinn for C. Duane Blinn / After-the-fact pond draining (*Received by Land Use Officer 6/23/2021; to be received by Commission 6/24/2021*)

Ms. Hodža explained that the applicant had been responsive to the issuance of a notice of violation at the property. The pond had been drained of water into an intermittent stream that went directly into the lake. He was forthcoming and Ms. Hodža and he had been working together on the application. The pond had been drained and hand-raked and the pond was replenished with water. Ms. Hodža stated that the Lake Waramaug Task Force had also been aware of the violation. Mr. Hayden had not, to her knowledge, taken additional action. The threat to the lake was that invasive species may have been transported from the pond to the lake.

Chairman Favreau had wondered if there were a better way to get information to the public about things like the proper procedure for dredging a pond.

6. Other Business Proper – None

7. Inland Wetlands Officer's Report (May 28 – June 24, 2021)

Ms. Hodža stated that she issued another agent approval for 184 Brick School Road – Alistair Carr. She was dissatisfied with the many little applications that were being made without an overall site plan for landscaping. The application that she approved was for the relocation of an opening in the stone wall. There had been a history that the Commission was aware of which consisted of several violations and site visits owing to complaints by neighbors last year.

Ms. Hodža notified the Town Treasurer that the bond for 7 Hopkins Road could be returned to Ruscoe-Sedito, because the man-made berm built to accommodate the pool had been stabilized.

8. Communications Received

- a. Letter from Michael Dell'Aera. Ms. Hodža read a letter from Mr. Dell'Aera received June 16, 2021.

9. Public Comment

Ms. Celia Ucciardo, 33 Brick School Road, stood and related her dissatisfaction with the Commission's refusal to have a site walk of the 37 Brick School Road.

Mr. Martin Connor on behalf of the Lake Waramaug Association was pleased that the 85 Curtiss Road would be walked. He was surprised that the presenter of the application had not himself ever walked the property.

Mr. Herman Tammen, 50 Curtiss Road, was concerned about the demolition at 53 Curtiss Road. He appreciated the Zoom meetings. He was concerned about two applications by commission members. He thought the Commission members each should declare whether or not they felt they could remain impartial.

Ms. Waltraud Tammen, 50 Curtiss Road, thought it was a good idea to let the public know about what to do with their ponds, should they want to dredge them.

10. Adjournment

Ms. Hulton made a MOTION to ADJOURN the meeting; Ms. Tanner SECONDED. The MOTION CARRIED.

Respectfully Submitted,



Richelle Hodza,
Land Use Officer
Dated: 7/10/2021 5:45 pm

To listen to the recording:

https://us06web.zoom.us/rec/share/M8flCyCYCheOVg3n01ibs-bdi_ikPIGPe8FdAkX60573Sfk_TyeVcRTTykzqcjx.aJGbzMm6tbLkJVHD)