



Town of Warren
Conservation & Inland Wetlands Commission
50 Cemetery Road
Warren, Connecticut 06754
www.warrenct.org

Thursday, November 18, 2021, commencing at 7:00pm
Lower-Level Meeting Room of Town Hall
Regular Meeting Minutes

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

Chairman John Favreau called the meeting to order at 7:02 p.m. **PRESENT** Including the Chairman, Nancy Binns, Thomas Caldwell, Vice Chairwoman Cynthia Stilson- Shook, and Alternate Tara Tanner (seated for Nora Hulton). **ABSENT** were Nora Hulton and Alternate Darin Willenbrock. Others present were members of the public in the meeting room and via zoom

2. Additions to the Agenda (Includes applications received by Land Use Office by 4:00 pm, Nov 17, 2/3, vote required) - None

3. Consideration of the Minutes

- a. Minutes of the Public Hearings and Regular Meeting of August 26, 2021
- b. Minutes of the Public Hearing and Regular Meeting of October 28, 2021
- c. Minutes of the Special Meeting Site Walks of November 8, 2021

Chairman Favreau stated that the minutes are not in their finalized form.

Chairman Favreau asked for a motion, Ms. Binns made a **MOTION** for the minutes from August 26, 2021, October 28, 2021, and November 8, 2021 be tabled to the next meeting in December. Ms. Tanner **SECONDED; MOTION CARRIED.**

4. Pending Applications

- 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 singlefamily home with related appurtenances including driveway, pool, spa, pergola septic well, demolition of existing house and capping of existing well. (Received by Commission 6/24/2021, Special Meeting/Site Walk 7/12; Public Hearing opened 7/22, continued 8/26/2; continued 9/23; applicant granted extensions of 65 days; public hearing closed 10/28; decision to be made within 35 days).

Chairman Favreau stated that the deliberation and decision will take place tonight 11/18/2021 with the given information and map Alt. 1 A. The Commission has been given an extensive amount of information and discussion has occurred both between the applicant, the applicants engineer, the town's engineer, public comment, the Commissions own questions and concerns. There are three main areas of concern and three areas of disturbance that are under review. That first is erosion control. The

second issue would be stormwater run-off and management, and the third issue is construction sequence including blasting in the proposed area.

Chairman Favreau made an announcement that Ms. Binns would not be participating in the deliberation and decision of this application as she has not when a part of the entire process.

Chairman Favreau stated that the plan that has been proposed is what is being considered tonight. The first concern is erosion control and construction sequence have been reviewed by the Town's Engineer and is found to be acceptable for the proposed project. Chairman Favreau looked to the Commission for any further concerns in this area?

Ms. Stilson-Shook stated that she does not have any further concerns with the erosion plan that has been proposed. Mr. Caldwell stated he does not have any concerns either.

Chairman Favreau stated that his only concern is that if these engineered plans fail at any point there needs to be a bond set to cover this situation.

Mr. Caldwell stated that he has been in these types of situations because as a contractor himself and recommends a third-party environmental engineer, survey the site on a bi weekly basis; create notes, take pictures, to document that it's going well or this needs to be addressed. That report be given to Ms. Hodza and if she needs to comment or further on it. It's an extremely sensitive project. This is too big to just let happen. But I think that if it's monitored by a third-party environmental engineer on a bi weekly basis report submitted that it would first show the community that the Goldin's to have some skin in the game, it's extremely sensitive ecosystem. I think it would help the community realize that these people are going the extra mile to make sure. This will hold the contractor extremely diligent and honest.

Ms. Hodza stated she feels that this is an excellent idea. Ms. Hodza brought to the attention of the Commission, that Mr. Caldwell is suggesting that it's the applicant's responsibility to pay for this third-party environmental engineer. Ms. Hodza asked Mr. Caldwell, how long would this continue? Mr. Caldwell stated that is would last until the construction site is stabilized.

Chairman Favreau added one other aspect, that until the site is stabilized and all of the construction during the phase of development on the site is stabilized and everything has been put in place. Chairman Favreau also stated the other thing along with a bi weekly report would also be a report be done in the case of a significant rainfall occurred. Chairman Favreau stated the delineation or significant rainfall is half an inch per hour that the inspection happens within 24 or 48 hours. Chairman Favreau stated that by placing a bond is financially responsible for the Town, but by being proactive in reporting it will prevent a catastrophic accident from happening. This will hold accountability and responsibility created within the construction team, the owners, and that's involved in in the process.

Ms. Stilson-Shook asked who would determine who the engineer is?

Ms. Hodza stated that the Town would then select the engineer.

Ms. Stilson-Shook asked would this be in place of a bond? Chairman Favreau stated no it would be in addition to the bond.

Chairman Favreau addressed the stormwater management. The runoff according to each of the runoff areas, which have been addressed by consistent modification to the plan, and is acceptable to our third-party engineer.

Chairman Favreau looked to the Commission for any concerns with stormwater management that has been planned. The Commission have no additional concerns with the stormwater management plan, and agrees with what is presented.

Chairman Favreau addressed the last concern of blasting to facilitate the construction, installation and development of the property that is shown on the area in the map and with the processing area and the associated usage of the materials afterwards. In accordance with the construction schedule. We have heard from the firm that will be performing the proposed activity. We have heard from a third-party consultant although hired by the applicant, certainly credentialed and understandable and gave a certain level of comfort in the proposed activity in a review of the surrounding and abutting properties. There has been blasting occurred to the property of the North when that house was constructed in 2007. With seemingly no impact and or long-lasting effects on those downgradient.

Ms. Stilson-Shook stated that she is not worry about the blasting at all, and would like to add that we did look at other sites or another placement of this on the site and determined that there was nothing else that was a prudent or feasible alternative. That's why we have to go here and there is such a minor amount of blasting that's going to be done here. I don't see that as an issue at all.

Chairman Favreau stated it was reassuring understanding what the underlying bedrock is composed of. That the blasting was to occur to a depth of eight to 10 feet. The expert indicated that, that type of Manhattan, schist would have weathered to 10 feet over the years of in depth so to mitigate or alleviate any acid runoff.

Ms. Hodza stated that Ms. Stilson-Shook raises a good point for this commission to address. Which is that, are there any prudent and feasible alternatives because that is the standard to which the decision is held? So, I think it behooves the Commission to speak about the present location of the present house, and why that would not be a prudent and feasible alternative.

Chairman Favreau stated as outlined this is a wetland review area over here in in highlighted. To construct in this area, where they have the existing house is entirely within the constructed area, the review area, versus this the footprint where the predominance of the construction is happening outside of the regulated area.

Ms. Stilson-Shook stated it was discussed moving the house to the east more clearing, but it was going to be so much more clearing.

Chairman Favreau explained that there is established vegetation and forage here, which would be then ultimately result in clear cutting and or disturbance in that area and infringing in that you have to remember, this is the wetlands area to this side. The driveway is the driveway up to here and is being modified through this slope here versus the existing wooded road, which basically is at or near the same length and it cuts across the gradient in a steeper way. This is outside of our regulated area, but we have to consider the runoff.

Ms. Stilson-Shook stated that as shown in one of the other alternatives that was presented, it created a lot more clearing and disturbance to the area.

Ms. Hodza stated that this is the tree line and that is the buffer to the house were placed at the current location, because it's a larger house and there's more going to be a larger area.

Chairman Favreau explained that if the same proposed house was moved to this area you would have to eliminate more of the buffer and potentially you would have to disturb directly into the wetlands. Moving into the north mitigates potentially upsetting the buffer and impacting the buffer and more directly impacting into and moves it closer.

Ms. Stilson-Shook requested to further discuss setting a bond. Chairman Favreau stated that given the estimates given on cost of materials that he feels the bond should be \$100,000. Ms. Hodza stated that Mr. Szymanski submitted a bond proposal of \$17,000, within this proposal its listed that it's recommended for erosion control bonding for the first one is the construction entrance. Mr. Caldwell stated that he feels Mr. Szymanski's estimate is very low, and that it's not for just the cost of material but the cost of labor as well. Mr. Caldwell suggested \$55,000-\$65,000 for a bond and that the entire property would need to be stabilized before the bond is released.

Ms. Tanner feels that the bond should be at least \$75,000 due to the location and this is risky property.

Ms. Stilson-Shook feels that this has been engineered over and over again by two different firms. There's been a place sitting there since 1948. I think that's going overboard.

Chairman Favreau asked the Commission for any other issues that they would like to discuss? The Commission stated- none at this time.

Chairman Favreau stated for the record, that the applicant has agreed to pay for pre-blast surveys, along with well testing before, and after blasting. Ms. Hodza stated that those would be part of the condition is this application is approved.

Ms. Stilson-Shook made a **MOTION TO APPROVE** the application with the following conditions:

1. A bond of \$50,000
2. An environmental engineer be paid for by the applicant and the environmental engineer create a report on a bi-weekly basis that is to be submitted to the Land Use Officer. Along with if there is a rainfall event of a half inch in an hour the environmental engineer will submit an additional report to the Land Use Officer.
3. The applicant is to pay for the surrounding neighbors within 500 ft wells to be tested before and after blasting.
4. The applicant is to pay for the surrounding neighbors within 500 ft pre-survey regarding to blasting.

Chairman Favreau asked for further discussion. Chairman Favreau asked if Mr. Caldwell felt that the bond amount was significant enough. Mr. Caldwell, stated yes. Ms. Tanner asked should there be a stipulation regarding the start of the project if the materials aren't accessible? Ms. Hodza stated that the project can not start until all the erosion controls are put into place and the start card has been activated.

Mr. Caldwell **SECONDED** the motion. Chairman Favreau held a vote, **MOTION CARRIED**.

- b. **IWA 21-09-01** / 28 Reed Road / Demetrio Meduri for Star Marie Meduri / Construction of well, septic, and house partially within the regulated area (Received by IWC 9/23/2021, Site walk 11/8)

Mr. Caldwell asked Mr. Meduri if he was able to get the rest of the silt fence up on the property as asked by the Commission at a previous meeting? Mr. Meduri stated he has not been able to get the silt fence up yet, but that he will have it up before The Land Use Officer comes on site before the start of the project.

Mr. Caldwell asked Mr. Meduri, when do you think you will start the project? Mr. Meduri stated he doesn't see himself starting until Spring time.

Ms. Hodza asked for those who were on the site walk, how does the driveway look? Ms. Hodza asked Mr. Meduri if he had started the driveway? Mr. Meduri stated that the driveway is complete. Chairman Favreau stated that the driveway looks fine. It was observed that the silt fence that was utilized for the driveway had caved and needed to be repaired. The silt fence that is being used for the driveway is what needs to be used for trenching for the electrical. Given the trenching going to be happening from the proposed house, down to the existing bar where it comes in from the street, this retention of this silt fence, I think is prudent.

Mr. Caldwell stated that from a Wetlands stand point, Brian Neff indicates everything that needs to be implemented is sufficient and that it is followed in a timely manner, it should be fine.

Ms. Hodza stated that she will need to make frequent visits to the site during construction. Mr. Caldwell stated that it's a very sensitive site, there's not a lot of room for stockpiling material and moving around equipment. Maybe there needs to be more erosion controls like haybales and silt fence in place due to the houses down gradient from this worksite.

Chairman Favreau stated that the question that was asked, is the driveway that is a right of way being utilized for construction vehicles? Ms. Hodza asked if Mr. Meduri is still using the right of way? Mr. Meduri stated very little. Ms. Hodza stated that the point of putting in the new driveway was to not utilize the right of way. Mr. Meduri stated he does not rely on the right of way, but he is not going to give it up. Mr. Caldwell suggested for Mr. Meduri to give it up during the construction process. Mr. Caldwell suggested that part of the erosion materials be used to block off the right of way driveway during construction, because it's so close to the neighbors well, and the neighbors' yard. Mr. Caldwell suggests to double up on the silt fence. On the downward side towards the big tree and fence, place silt fence, hay bales and then silt fence again. Run this along the right of way road to close it off. Single silt fence along the fruit trees on the upper side of the property is fine, and silt fence all along the back.

Ms. Stilson-Shook asked if silt fence needs to be put up along the driveway, Chairman Favreau stated it is already there and that it needs to remain there throughout construction.

Ms. Hodza made notes on a map supplied by Mr. Meduri. Including the location of silt fence, and hay bales and that this needs to stay in place until the site is stabilized. Dated 11.18.2021 and Mr. Meduri signed this map with notes.

Ms. Binns made a **MOTION TO APPROVE** the application as modified and repropose by Mr. Meduri on the site plan submitted to The Land Use Officer. Ms. Tanner **SECONDED**. No further discussion, vote held, **MOTION CARRIED**.

- c. **IWA 21-09-04** / 58 Mountain Lake Road, Assessor's Map 7, Lot 6 / Scott Thyberg for Christian Youth Fellowship of 64 Mountain Lake Road / Removal of select trees and extension of lower meadow (Received by Commission 10/28/2021, Site walk 11/8)

Chairman Favreau reviewed the application and stated that Ms. Tanner and himself were at the site walk on 11/8/2021. Chairman Favreau stated that he had no concern with the activity that will take place on the site. The applicant has had a permit for the previous work done on the site. The plan is to start as soon as possible and get the site stabilized.

Ms. Stilson-Shook made a **MOTION TO APPROVE** the application, Ms. Binns **SECONDED, MOTION CARRIED**.

5. New Applications (Receive and determine significance)

- a. **IWA 21-11-01** / 8 Countryside Lane, Assessor's Map 22, Lot 3 / Philip T. and Kelly A. Good / Tree cutting with stump removal and grading, and setting of boulders possibly within the regulated area (Received by LUO 11/9/2021, to be received by Commission 11/18/2021)

Mr. Good the applicant was present and reviewed the project being proposed. Chairman Favreau asked if this is within the review area, Ms. Hodza stated she is unable to determine that by eye. Ms. Hodza was alerted by people on Bobcat Lane.

Chairman Favreau explained to the applicant that there needs to be a perimeter maintained of 100 ft from the Wetlands. It shows on the map that all the activities being proposed is happening in the review area or within the Wetlands.

Ms. Stilson-Shook asked where is your driveway and where is your house? Mr. Good indicated that his house is on the common driveway off of Route 341 and an easement off of Country Side Lane.

Chairman Favreau stated that Bobcat Lane and Country Side Lane are private roads. How to private roads work? Ms. Hodza stated you have to have a right of way. Mr. Good does not have a right of way to Bobcat Lane according to his deed.

Mr. Good stated that they took a tree down and cleared some brush on their property along Bobcat Lane.

Chairman Favreau asked if the Wetlands have been flagged? Mr. Good stated no they have not been, but he can have that done.

Ms. Hodza asked how Mr. Good would access the proposed area? Mr. Good stated off of Bobcat Lane. Ms. Hodza stated that the people on Bobcat Lane would need to grant access. Mr. Good asked if they could deny that, Ms. Hodza stated yes, they do have that right.

Chairman Favreau stated that without seeing the exact location, and if there's going to be work vehicles parked on this area with the risk oil etc. leaking on that area impacting the wetlands.

Ms. Stilson-Shook asked why can't you access your driveway and make a parking area off of Country Side Lane? Mr. Good stated that it just seemed easier to go off of Bobcat Lane.

Ms. Hodza stated that neighbors came to her with issues of the activity happening off of Bobcat Lane. Ms. Hodza reached out to Mr. Good and he immediately came into the office and filed an application. Ms. Hodza stated that she went to the property to see what activity has happened. It's suggested that Mr. Good go to the town or state and file an application for a second driveway.

Chairman Favreau explained that the Commission needs to see the extent of the wetlands. The first thing Mr. Good should do is to have the Wetlands flagged and then come back to this Commission to review the wetlands with a site walk, and go to the state for a second driveway.

Ms. Binns made a **MOTION** to receive and accept the application, **SECONDED** by Ms. Stilson-Shook, **MOTION CARRIED.**

- b. **IWA 21-11-02** / 48 Cornwall Road / Assessor's Map 40, Lot 4 / Barbara DiNicola for Jennifer and David Tucker / Construct screened porch and carport within the regulated area (Received by LUO 11/17/2021, to be received by Commission 11/18/2021)

Chairman Favreau asked Ms. DiNicola to come forward to explain the proposed project at 48 Cornwall Rd. Ms. DiNicola explained that Ms. Hodza has visited the site, and suggested that the application comes to the Commission. The project includes a screened in front porch with a covered walkway to a carport. The plan has been submitted to the TAHD and it's been approved.

Chairman Favreau asked where are the Wetlands, and Ms. Hodza stated that the entire area is within the review area. Ms. Hodza explained that the house was built before the Wetlands act was enforced, and the driveway is all brought in fill. This project is within the review area, but not directly within the Wetlands.

Chairman Favreau asked is there going to be any excavating being done? Ms. DiNicola stated no it's all flat and the carport will be attached to footings. Mr. Caldwell asked how will the screened in porch be secured? With Frost walls, or pylons? Ms. DiNicola stated with pylons.

Ms. Binns made a **MOTION** to receive and accept the application, Ms. Tanner **SECONDED**, **MOTION CARRIED.**

6. Other Business Proper

a. Schedule of Regular Meetings 2022

- i. Schedule was voted on at the October 2021 meeting

7. Inland Wetlands Officer's Report

a. Enforcement – Complaints regarding 28 Reed Road

Ms. Hodza reported that there have been repeated violations regarding 28 Reed Rd in the past, and that property owner continues the violet regulations in the past and within the last year. He is using it as a construction site and that he doesn't even live there, in fact his daughter owns the property. Neighbors have sent photographs showing materials being stored on site. Ms.

Hodza is bringing this to the Commission because of his application for Inland and Wetlands, and also because Mr. Meduri has an application in with Planning and Zoning as well. This site will be monitored frequently to address any issues.

Ms. Hodza explained that she has received a letter from the residents on Bobcat Lane. Ms. Hodza read the letter for the record. This letter was written before Ms. Hodza visited the property. A response explaining the Wetlands regulations and how they need to be followed has been written by Ms. Hodza. A formal cease and desist letter has not been sent to Mr. Good, but Mr. Good has been told to stop all activity for The Land Use Officer.

b. Report from Annual CACIWC (Connecticut Association of Conservation and Inland Wetlands Commissions) Meeting of November 6, 2021

- i. Ms. Hodza attended the zoom meeting on November 6, 2021.

8. Communications Received

- a. Resignation of Jocelyn Ayer, Northwest Hills Council of Governments

9. Public Comment

Nina Rutsch-Stoller- 1 Bobcat Lane- The activity that is happening on the property next to Bobcat Lane is right across from her home. She woke up to trees and brush being cut down and work being done with an excavator. Her and her husband approached the Good's and asked what they were doing? Young Mr. Good stated it was his property and that he is planning on making a parking area for his work vehicles. This activity happened all weekend long. Ms. Rutsch-Stoller and her husband are very concerned with the activity that has taken place on this property and the disturbance of the wetlands. Ms. Rutsch-Stoller has given the Commission permission to go on her land.

Mr. Hermann Tammen- 50 Curtiss Rd- Mr. Tammen is disappointed and concerned by the performance of this Commission. The Commission did not prove that there is no feasible or prudent area on the lot of 10 acres. The Commission didn't consult an independent expert to determine if there are any other alternatives as stated by Sean Hayden from the Task Force. Why did the Commission not insist having a soil scientist report from Mr. Szymanski? Why did the Commission completely disregard Mr. Hayden's letter? Mr. Tammen is looking forward to the Commissions findings and the reasons on the record in writing to comply with the regulation 10.3.

Ms. Michele Kearns- 8 Bobcat Lane- Would like to state that Mr. Good and his son do not have access from Bobcat Lane to their property. Thank you for your attention regarding the Wetlands.

Craig Wilson- 8 Bobcat Lane- Stated his concern regarding Mr. Good using Bobcat Lane to access his property. Mr. Wilson has spoke with his attorney, and his is prepared to go further with this application if needed.

Ms. Robin Ploch- 18 Reed Rd- Ms. Ploch expressed her concern regarding 28 Reed Rd. Ms. Ploch stated that Mr. Meduri lied to the Commission tonight, that he uses the right of way everyday with construction vehicles. She wishes that at the site walk the Commission had walked further onto the Wetlands to see the disturbances he is causing. The neighbors were under the understanding that granting him the other driveway on his property he wouldn't use the right of way, but that is not the case.

Tracey Shrack- 26 Reed Rd- Stated that Mr. Meduri lied to the Commission today regarding the right of way. Ms. Shrack states that they are terrified of Mr. Meduri and that all he does is terrorize the Shrack family. Ms. Shrack's concern is that he is allowed to file applications and get away with whatever he wants to do on his property.

Jen Benham- 14 Reverie Ln- Ms. Benham stated her concern regarding the right of way, she wanted to know who allowed the right of way. She would like to know who enforces the town laws and ordinances that are in place. Ms. Hodza explained that there are many officers within the town, The Land Use Officer enforces- Inland and Wetlands, Planning and Zoning, The Board of Selectmen enforce the ordinances, some of the ordinances cross over to zoning. Running a business out of a property can be enforced by Zoning. If Mr. Meduri is damaging the Wetlands can be enforced by the Inland & Wetlands. Ms. Hodza suggested for Ms. Benham to call Ms. Hodza in the office to address any further questions.

10. Adjournment (Next Regular Meeting Thursday, December 23, 2021)

Ms. Stilson-Shook made a **MOTION** to adjourn the meeting at 9:21pm, Ms. Tanner **SECONDED**, **MOTION CARRIED**

Respectfully Submitted,

Robin Tanner-Hoskinson,
Recording Secretary

Zoom Link:

https://us06web.zoom.us/rec/share/PGsJLE5ZnotOEQgt0y-51ajc9_KTcGjowBkWozytW-Qxh5aWAW_mQLK6OtaMU5jT.05P7UzszEDLuMyHTk