

John Favreau, Chair
Cynthia Shook, Vice Chair
Nancy Binns, Member
Thomas Caldwell, Member
Tara Tanner, Member
Kit Lundberg, Alternate

TOWN OF WARREN
Inland Wetlands & Conservation Commission
50 Cemetery Road
Warren, Connecticut 06754
(860) 868 - 7881
landuse@warrenct.org



Thursday, August 18, 2022
Regular Meeting Minutes

The regular meeting of the Town of Warren Inland Wetlands and Conservation (IWC) Commission was called to order at 7:03 pm by Chairman John Favreau on Thursday, August 18th. Members present were Cynthia Shook, Nancy Binns, Tom Caldwell, and Tara Tanner. Absent was alternate Kit Lundberg. Also present was Janell Mullen serving the Commission as wetland agent.

There were no items to be added to the agenda according to Ms. Mullen. She mentioned that applicants were adhering to the application deadlines.

Nancy Binns moved to approve both sets of minutes, those from the Regular Meeting on July 21, 2022 and those from the Site Walk which occurred on August 2, 2022. Cindy Shook seconded the motion. The motion to approve the minutes as written passed unanimously.

Item #1 on the agenda was "Pending Applications". The first item to consider was application #IWA 22-07-01 for shoreline improvements located at **6 North Shore Road**, Assessor's Map 43 Lot 02. The property owner, Edgar Berner's representative Steven Trinkaus, PE participated telephonically. He discussed the updates to the application which included the plans dated July 22, 2022. The updates included mats to protect the lawn as well as a turbidity curtain to protect Lake Waramaug as requested by the Commission. Mr Trinkaus explained that the existing wall was composed of dry laid stones with nothing holding it in place. The reconstruction would modify the width and slope of the wall so that it could dissipate the wave energy. The low water levels at the moment made it the ideal time to perform the work. Tara Tanner asked where the rocks would be stockpiled during construction. Mr. Trinkaus stated that they would be located in the driveway and brought adjacent to the waterfront as needed. Cindy Shook moved to approve the application as presented including the updates to the plans and construction sequencing and details dated July 22, 2022. Nancy Binns seconded the motion. The motion passed unanimously.

The next pending application to consider was #IWA 22-07-02 an after-the-fact application for fencing within the upland review area and the wetlands at **231 Lake Road**, Assessor's Map 8 Lot 37. Eli Vonnegut, property owner, was present to represent himself and stated that his engineer, Paul Szymanski, PE was not feeling well. Mr. Vonnegut presented additional information to the Commission which included an update site plan with an as-built of the existing fence posts that had been installed without any permits. Some of the work had been conducted in the wetlands as well as in the upland review area as witness during the recent Commission site visit. ~~The~~ Chairman Favreau mentioned that the Commission had been made aware of some issues with zoning compliance. It only made practical sense that that issue get determined and resolved prior to the IWC Commission determination about the application since zoning might govern the proper location of the fence. Ms. Mullen stated that pursuant to the zoning regulations any fence greater than 6' in height must be setback in accordance with the front setback, which is 25'. At present, the posts are not located to comply with zoning. Mr. Vonnegut mentioned possibly pursuing a variance through ZBA. Ms. Mullen cautioned that a legal hardship is not typically one that is self-imposed, but suggested leaving the discussion for the ZBA. The Commission agreed to consider his application once he had some clarity regarding the zoning issues-at-hand. In the meantime, the disturbed wetlands soils are to be stabilized with grass seed and mulch to prevent further run-off. Tara Tanner moved to table the application until such time that a determination could be made and conditioned that the applicant remediate the disturbed area with grass seed and mulch to prevent further erosion and sedimentation. Cindy Shook seconded the motion. The motion passed unanimously.

Item #2 on the agenda was “New Applications”. The first new application to consider receiving was IWA 22-08-01 regarding an after-the-fact permit for a dock at **10 North Shore Road**, Assessor’s Map 43 Lot 5. Daniel VanDerWoude of North Stone Landscaping LLC was present as well as the property owner, Gary Johnson. Mr. VanDerWoude had updated photos since he had modified the dock so that it would have the same footprint as the pre-existing dock at that location. Chairman Favreau questioned whether there was a new concrete pour at the water’s edge. According to Mr. VanDerWoude, there had been the installation of a 10’ x 6’ concrete pad. Chairman requested that this information be included as additional information. Commissioner Tanner asked what was holding the dock in place underneath the water. Mr. VanDerWoude replied by saying that it was gravity holding it down and that he had hand pounded it upon installation. Tom Caldwell inquired about the materials which included softwoods and hardwoods. Cindy Shook moved to receive the application IWA #22-08-01 and for the applicant to provide the additional requested materials for consideration at the next meeting. Nancy Binns seconded the motion on the floor. The motion passed unanimously.

The second and final “New Application” to consider was IWA 22-08-02 for boathouse renovations at **40 Arrowpoint Road**, Assessor’s Map 41 Lot 11. Robert J. Nicholas was present as well as John Sussman, the property owner. Mr. Nicholas began his presentation by mentioning the history of this boathouse at its present location. He also referenced a plan that would be modified for the purpose of the renovations. Mr. Nicholas mentioned that there was record of a variance that was granted for an increase in height, which he would achieve by altering the pitch of the roofline. He described the renovations as “New England style” which composite roof and decking. Chairman Favreau asked that Mr. Nicholas provide information including, how he would be getting access to the site for this work, where the stockpiling of materials would take place, how materials removed from the site would take place (eg would there be a dumpster or would a truck be removing items). Cynthia Shook moved to receive the application IWA 22-08-02 with the request that additional information including a site plan indicating the location of silt fencing, information about the employment of a water boom to protect the lake, and whether a dumpster and/or an anti-tracking pad would be employed to minimize disturbance, as well as information regarding the site access points. Nancy Binns seconded the motion. The motion passed unanimously.

The next item on the agenda was “Other Business Proper”. Ms. Mullen mentioned that she had a conflict with next meeting’s date due to her unavailability. The Commission discussed whether the meeting should be rescheduled as a Special Meeting. Ms. Mullen also mentioned that a Town Meeting is scheduled for October 20th at 7:30 pm which coincides with the date of their regular meeting. The Commission suggested an earlier time. Cindy Shook moved to adjust next month’s schedule to a Special Meeting on September 22nd at 7 pm as well as October’s meeting to remain on the same date, but to adjust the time to 6 pm. Tara Tanner seconded the motion. The motion passed unanimously.

Under “Communications Received”, The Commission discussed updating the template for the third-party engineer reports so that they can receive more information from the conditions in the field. The current third-party reports received are for 85 Curtiss Road.

Ms. Mullen presented her agent’s report and informed the Commission that she would be drafting a “Citations Ordinance” for the October Town Meeting since no such ordinance has been adopted to date. An ordinance authorizing her to fine property owners for wetlands offenses would be a useful enforcement tool.

Nancy Binns moved to adjourn the meeting at 8:52 pm. Cindy Shook seconded the motion. The motion passed unanimously.

Respectfully submitted,

Janell Mullen
Land-use Staff