

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
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Thursday, December 15, 2022
Regular Meeting Minutes

The Regular Meeting of the Town of Warren Inland Wetlands and Conservation (IWC) Commission was called to order at 7:00 pm by Chairman John Favreau on Thursday, December 15, 2022. Members present were Nancy Binns, Thomas Caldwell, and Tara Tanner. Absent were member Cindy Shook and Kit Lundberg, alternate. Also present were Janell Mullen, land-use enforcement officer, as well as applicants Beth Whitty, Matthew Vogt, Chris Francis, and Howard Rosenfeld.

John Favreau opened the meeting with the first item which was the approval of the minutes. Nancy Binns moved to approve the regular meeting minutes of November 17, 2022. Tara Tanner seconded the motion. The motion passed unanimously. Nancy Binns moved to approve the minutes of the Special Meeting- Site Walk dated December 7, 2022. Tara Tanner seconded the motion. The motion to approve the minutes as written passed unanimously.

The next item on the agenda was "Pending Applications" #IWA 22-11-01 involving the application for a guest house, outdoor kitchen, and pool at 55 Sacket Hill Road, this property is across the street from the property owner's residence which is 52 Sackett Hill Road. This subject lot was visited as a part of the site walk on December 7, 2022. Beth Whitty was present as applicant on behalf of the property owner, David Feigenbaum.

Janell Mullen distributed the Construction Sequence document to the Commissioners. The additional information that had been requested at the November meeting included the impervious surface calculations, approval from the TAHD, the locations of erosion & sedimentation controls, trees to be removed from the site, and the indicated locations of the stockpiles of materials. Member Caldwell asked if the applicant could extend the silt fence beyond the area where materials would be stockpiled. Whitty was open to this request and sketched this extension of the silt fence onto the map. Chairman Favreau asked about the use of the excavated materials. Whitty stated that most of the fill would be removed from the site, but ~600 cubic yards of materials would remain to re-grade the site especially between the pool and the house. Favreau also added that the area is fairly flat. Whitty added that they would try to save the old growth oak tree that is located closer to the road than the other tree that is indicated as "to be removed".

Chairman Favreau stated that the application had been received at the November 17, 2022 meeting pending additional materials. Nancy Binns moved to accept the application as complete. Member Caldwell seconded the acceptance of the complete application. The motion passed unanimously. The Commission discussed whether or not they had enough information to action the application. Nancy Binns moved to approve the application with the addition of the extension of the silt fence as indicated on the site plan by the applicant. Tom Caldwell seconded the approval. The motion passed unanimously.

The first item on the agenda under New Applications involved the application #22-12-01 for a railing to be added to the shorefront improvements at **159 No. Shore Road**. Chris Francis was present on behalf of Paul Szymanski who was representing the property owner, Waramaug159A, LLC. Francis explained that this proposal involved the installation of 50 feet of hand-rail which requires 13 posts to be drilled into the stonework that is already completed on the shorefront. The representative was asked when the shorefront improvements had been completed by Chairman Favreau. He did not know. Favreau asked if this was part of other activity on the parcel. The Commission expressed confusion around a piecemeal application. The original wetlands license, that was issued in 2016, was for a dwelling and shorefront improvements and at this time had expired. Currently dwelling has not been established at this property. The representative stated that he would need to follow-up with Paul Szymanski and/or the property owner prior to moving forward. The Commission moved to accept the

Application pending additional information. Nancy Binns made the motion, Thomas Caldwell seconded the motion. The motion to receive the application pending additional materials. Chairman Favreau asked Mullen to go the site since the photographs made it seem that the shorefront needs to be stabilized.

The next item on the agenda was 4B under New Applications #22-12-02 – Howard Rosenfeld, **66 Town Hill Road** (Map 19, Lot 12), an after-the-fact application for the construction of a footbridge over a stream. Howard Rosenfeld was present as the property owner and owner of Tuscany 66, LLC, an agricultural property. He began his presentation with an apology to the Commission. He stated that at the time of the construction, the stream was at a trickle and the wetland area was dry.

It was stated by the applicant that Janell Mullen had been to the site and has observed the completed footbridge. Chairman Favreau asked that the applicant walk them through a verbal construction sequence. Rosenfeld stated that the pads were created and that it was a timber construction. He stated that the property is in conservation with an agreement between the Warren Land Trust. The bridge was built to handle about 8,000 pounds. Member Binns asked if the bridge was part of a trail. Rosenfeld said yes that the Warren Land Trust has been working on a trail on the property, which had been approved by the Land Trust since 2008. Mullen stated that oversight of the Warren Land Trust by the Inland Wetlands & Conservation Commission is required. It is equity across applicants. Caldwell stated that it appears there is a spread footing with 12" sono-tubes and rebar. He pointed where the excavation had taken place below grade. Member Tanner asked if the bridge was 6 ½ feet across. Binns asked if the bridge was designed to sustain floods or extreme rain conditions. The applicant mentioned that they had also put in piping to divert floodwaters and that there was 36" of clearance from the stream bed. Mullen asked the dimension of the pipe. Member Caldwell stated that it was 4". Chairman Favreau stated that they will not make the applicant remove the bridge since that will amount to more disturbance to the wetlands.

Mullen requested additional information regarding the wood materials that were used for the construction of the footbridge. At this time, the Commission felt comfortable with receiving and accepting the application.

Chairman Favreau stated that he had some remaining concerns that might be applicable in the Spring. When the water flow increases, the question about siltation and or other run-off from the shore banks remains. The applicant invited the Commission members to visit the site to look at the footbridge individually. Nancy Binns moved to receive and accept the after-the-fact application #22-12-02. Member Tanner seconded. The motion passed unanimously.

The next item on the agenda was another New Application- #22-12-03 Matthew Vogt, New England Aquatic Services, on behalf Mullen, Trustee, involving **358 Lake Road** (Map 43, Lot 1) proposed dredging of sediment from Lake Waramaug. Matthew Vogt began his presentation by stating that the Mullen property is located where Sucker Brook outlets into the Lake. For several decades, Sucker Brook has been deposited sediment in a pretty significant delta into the Lake. Vogt stated that they would be working in conjunction with the Lake Waramaug Task Force (LWTF) so that they can reduce the continued flow of materials from Sucker Brook into the Lake.

Chairman Favreau mentioned having a conversation with Sean Hayden, Director of the LWTF, regarding this project. It was noted that the work of LWTF and the work of Matthew Vogt would be at the same property and likely at the same so it would make sense to bundle the scope of the work of this application into one application.

Vogt continued his presentation by indicating where the Mullen dock was commonly located. Due to the shallowness of the lake in this area, the Mullen family was mooring their boat farther out in the lake. The goal of the project would be to re-establish a catch basin in hopes to capture more sediment before it makes its way into the Lake. Member Caldwell asked what would be put in. Vogt stated just excavating a hole about 5' deep. Vogt further explained how geo-textile dewatering tubes are utilized for dredging out the Lake. Chairman Favreau asked what would happen to the lawn underneath the materials to be removed from the Lake and if there were to be a rain event, if further soil erosion into the Lake would occur. Vogt stated that the materials are contained within the bags and quite heavy during the drying process. Dredging would take 3-4 weeks. The materials would need to sit there for about 8-12 weeks and then the bags would be cut open and the site would be stabilized as the final step of the work. That would take about 2-3 days. Chairman Favreau asked for a detailed timeline. Vogt stated that they wished to conduct this work during the winter months and could provide this information in detail

to the Commission.

Chairman Favreau asked how one would access the lake. Vogt stated they would likely launch from the boatlaunch because the shoreline is relatively steep at this site. Favreau asked if the bags will leech in the winter. Vogt confirmed that yes and that the process just takes a little longer in the winter. Member Binns asked if the project involved both the LWTF and New England Aquatic Services. Chairman Favreau confirmed that yes that was the goal which is why at this juncture, he is recommending that the Commission move to accept the application and that by the next time the next meeting takes place, the applicant will have a firmer sense of the complete scope and will be able to present that to the IWC Commission.

Member Binns asked the applicant about the on-going maintenance involving the erosion from Sucker Brook. Caldwell stated that a lot of the run-off could be mitigated by the maintenance of the catch basin before it enters the Lake. He suggested possible plant materials and stone that the water needs to travel through. Vogt stated that this was a part of a larger conversation around this issue and would need to be addressed.

Nancy Binns moved to receive and accept the application pending additional information about potential project partners. Member Caldwell seconded the motion. The motion passed unanimously.

Mullen stated that the applicant could contact her should the application be modified in advance of the next IWC meeting.

The next item on the agenda was a Calendar of the Meeting Dates for 2023. The regular meetings take place on the third Thursday of every month. Member Binns asked if the meetings could take place earlier, possibly at 6 pm. The Commission was in agreement that 6 pm would work well. Member Tanner asked if that would start in January. Favreau suggested that December 21 be moved to the 14th. Mullen verified that the Town Clerk will notify her if there were any conflicts with the Town Meeting Dates. Chairman Favreau moved to approve the 2023 Calendar with the adjustment of December 21 to be moved to Thursday, December 14th and with the change of the start date to 6 pm. Member Binns seconded the motion. The motion passed unanimously.

The following item #6 on the agenda was “Communications Received”. Mullen read a letter submitted electronically by Hermann Tammen regarding 85 Curtiss Road that was received on December 7th. That letter will be posted as an addendum to the minutes. Mullen followed up the reading of the letter by stating a few of her concerns regarding the project and added that she would be writing a thorough letter to Szymanski outlining the concerns which involve discrepancies in plans revised to dates, location of stockpiled materials, discrepancies in some details on the approved plans versus what was referenced during the site walk, and some lack of clarity when it comes to total cubic volume of excavated materials. Caldwell stated that these items need to be noted on the record. Mullen has gone back through the meeting transcripts to see what was represented to the public during the application processes. Favreau noted that the soil stockpiled along the driveway was also not represented on the original plans. Mullen noted that the stockpiling details were not being followed. This would all be outlined in a letter to Paul Szymanski to be prepared by Mullen during the week of Monday, December 19th.

Mullen presented her agent report which will now be posted online each month. The Commission referenced the QPublic Mapping system to observe the subject sites with relation to the wetlands.

Nancy Binns moved to adjourn the meeting at 9:22 pm. Member Tanner seconded the motion. The motion passed unanimously.

Respectfully submitted,

Janell Mullen
Land-use Staff