

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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Regular Meeting Minutes  
Thursday, January 19, 2023 at 6:00 PM

The meeting was called to order by Chairman Favreau at 6:04 pm. Members present were Tara Tanner, Cindy Shook, Nancy Binns, and Tom Caldwell. Absent was alternate Kit Lundberg. Other attendees included Paul Szymanski, PE of Arthur Howland; Matthew Vogt of New England Aquatic Services; Howard Rosenfeld of Tuscany Sixty-six, LLC; and Attorney Amy Souchuns of Hurwitz, Sagarin, Slossberg, and Knuff, LLC, and Janell Mullen, Town of Warren Wetlands Enforcement Officer.

The first item on the agenda was consideration of the Regular Meeting Minutes of December 15, 2022. Cindy Shook moved to approve them as written. Tom Caldwell seconded the motion. The motion pass unanimously.

The first application under "Pending Applications" was IWA #22-12-01 Paul Szymanski was present on behalf of Waramaug 159A, LLC. He stated that this proposal involved the installation of a handrail to existing lakefront stone patio and steps at 159 No. Shore Road (Map 45, Lot 12) as indicated on the plan entitled "Handrail Plan and Detail" provided by Water Street Design Associates dated November 11, 2022. The Commission asked if Janell Mullen had gone to the site. She stated that she had on January 12, 2023 and that her only concern was the mulched sloped shore that didn't appear to be vegetated. Her recommendation would be to verify that it gets planted and further stabilized when possible in the spring time. She submitted a photo for the file from her site inspection. The applicant agreed to do this. Nancy Binns moved to approve the application with the condition that the shore bank be further planted and stabilized when growing season resumes. Tom Caldwell seconded the motion. The motion passed unanimously.

The next application under "Pending Applications" was IWA #22-12-02. Howard Rosenfeld was present as the owner of 66 Town Hill Road (Map 19, Lot 11). His application involved the after-the-fact approval for a footbridge that was constructed over a stream during the summertime. His application included photographs illustrating the work that had been conducted, a construction sequence, and the application form. He had provided a materials list as requested during the last meeting. Ms. Mullen stated on the record that she was satisfied with the submittal. Nancy Binns asked if materials had been brought to the site to reinforce the riverbanks. Howard Rosenfeld stated that materials had only been moved to further stabilize the bank where the stream takes a turn. Cindy Shook asked about the nature of the piping underneath the footbridge. Mr. Rosenfeld stated that they were intended to capture stormwater and to direct it back into the streamway where it can flow naturally. Cindy Shook moved to approve the application as received with the additional materials list. Tara Tanner seconded the motion. The motion passed unanimously.

The third and final application under "Pending Applications" was IWA #22-12-03 which involved dredging of sediment from Lake Waramaug and Sucker Brook. This application was initially presented by Matthew Vogt of New England Aquatic Services on behalf of Mullen, Trustee. At the initial presentation there was a discussion as to whether the application would involve the Lake Waramaug Task Force (LWTF) as a co-applicant since this scope of work would present an ideal time for the LWTF to clear deposits from their sediment basin in the vicinity. For this portion of the meeting, Chairman Favreau called Sean Hayden, Director of the LWTF, to confirm the organization's interest as a co-applicant at this time. Sean Hayden thanked the Commission for the opportunity and explained how the water quality of the lake would greatly benefit from this work. He mentioned that the removal of sediment deposits would enable cold fresh water to enter the Lake from Sucker Brook. Cindy Shook asked Sean Hayden if the lake lacking oxygen was a naturally occurring process and if the project was just for enabling better swimming conditions. Mr. Hayden confirmed that lakes go anoxic naturally, but this dredging project would greatly reduce the

cyanobacteria, which is a neurotoxin, overall improving the water quality of Lake Waramaug. Nancy Binns asked when the project would ideally start. Mr Vogt stated that March would be ideal so that the materials would be removed from the Mullen property by the summer months. He also stated that preferably this dredging would happen more often than every twenty years and that he would be working with the LWTF to figure out best practices for moving forward. Cindy Shook asked about “critters” that they may come across. Mr. Vogt admitted that they could not guarantee no casualties, but that the initial movement of the machinery to loosen the materials would hopefully spoke anything burrowed in the materials, such as turtles. He also noted that the material that they would be dredging was not their preferred habitat.

For the record, Janell Mullen stated that the application included the original form from New England Aquatic Services dated 12/8 with an appendix and subsequent submittals dated 11/21, 12/8 and 12/18. The document dated 12/8 accounted for the additional scope of the Lake Waramaug Task Force.

Shook moved to approve the application with the amendment that it would be a co-application from New England Aquatic Services on behalf of Mullen Trustee and the Lake Waramaug Task Force. Nancy Binns seconded the motion. The motion passed unanimously.

Item #4 on the agenda was one item under “New Applications” which was IWA #23-01-01. Amy Souchuns introduced herself to the Commission as an Attorney of Hurwitz, Sagarin, Slossberg, & Knuff of 147 N. Broad Street, Milford, CT representing the property owners of 231 Lake Road (Map 8, Lot 37). She began her presentation by stating that the application should look familiar. In August, the Commission had effectively denied the application for an-after-the-fact installation of fence posts within the wetlands and the upland review area. The Commission members reviewed a site plan with the flagged wetlands and the location of the posts that had been installed and those that had not. This work was stopped when the WEO, Janell Mullen went to the site in July and noticed unauthorized work in the wetlands. Atty Souchuns stated that about two (2) posts which were to be located in the upland review area still needed to be installed and that due to a misunderstanding this work had taken place. Ms. Mullen stated on the record that she had corresponded with the property owner in February 2022 very specifically about zoning questions such as the height of the fence, and detailed that if it were to be greater than six (6) feet in height that it would need a zoning permit. She stated that it was the property owner’s responsibility to understand if wetlands were present on their property and to engage the wetlands approval process if they were to be disturbed.

Chairman Favreau stated that any work in the upland review area would need be to clearly indicated on the application materials. Ms. Mullen asked about the paneling on the posts since the narrative was somewhat vague on this detail. Atty Souchuns stated that they were to be untreated cedar posts that would be 6 foot panels. She stated that they would be attached to the posts above grade and would not alter the hydrology noting that there was a culvert that outlets on the property. Nancy Binns asked about the location of the culvert.

Ms. Mullen noted that Item D, E, and I of the application should be revisited so that the Commission could be provided with missing information. The Commission had a discussion about whether they should receive the application even though it was incomplete. Nancy Binns moved to receive the application and noted the request for additional information. Tara Tanner seconded the motion. Chairman Favreau and Tom Caldwell voted in favor of the motion on the floor. Cindy Shook voted against it stating that she felt the application was incomplete. The motion passed to receive the application.

The next item on the agenda was “Communication Received”. Ms. Mullen reviewed the four (4) items on the agenda. Which were:

- a. Wetlands Complaint form from Robin Ploch of 18 Reed Road notifying the Town of alleged wetlands violation at 28 Reed Road, property owned by Star Meduri
- b. Letter from Elizabeth Gildersleeve & Richard Berman of 77 Curtiss, dated December 28, 2022
- c. 2023-1-6 Goldin, Comment Response Wetlands letter
- d. 2023-1-4 Goldin, Disturbed Area Map 6778

- e. Artel Engineering Report regarding 85 Curtiss Road, dated January 13, 2023

She stated satisfaction with the follow-up relative to 85 Curtiss Road. She had been back out to the site multiple times to review for compliance and had received an updated plan dated January 4, 2023 as well as a detailed response letter from Paul Szymanski, PE. Chairman Favreau asked her about the total excavation numbers which were presented as 5,000 cubic yards total and 4,000 associated with the blasting. Ms. Mullen stated that sitework (additional grading, excavation, etc) would not resume until the Spring and that she would conduct on-site with the project team when that time comes. She would also continue to regularly spot-check the site (amongst others) during rain events and periodically to confirm that erosion and sedimentation controls were properly functioning.

Ms. Mullen presented the next item on the agenda which was the “Agent’s Report”. She noted that these were now being posted online and that she would be including training opportunities for the Commissioners.

Cindy Shook moved to adjourn the meeting at 7:35 pm. Tom Caldwell seconded the motion. The motion passed unanimously.

Respectfully submitted,

Janell Mullen  
Town of Warren  
Wetlands Enforcement Officer