

Town of Warren Inland Wetlands & Conservation Commission
Regular Meeting Minutes
Thursday, March 16th at 6:00 PM

Vice-chair Cindy Shook of the Town of Warren Inland Wetlands & Conservation Commission called the meeting to order at 6:02 pm. She was chairing the meeting in John Favreau's absent. Other members present were Nancy Binns, Tara Tanner, and alternate Kit Lundberg who was seated as a regular member. Janell Mullen was also present, serving the Town of Warren as the Wetlands Enforcement Officer. The public included William Munn and Adrienne Sieverding of Hendricks Churchill, LLC; Susan Moran and Allan Buttrick of Sunset Lake Road; Bill Colby of Colby Engineering and Consulting, LLC; David Richardson of Scott's Nursery and Landscaping, LLC; and Amy Souchons of Hurwitz, Sagarin, Slossberg, & Knuff.

After Cindy Shook called the meeting to order, Janell Mullen mentioned that she had received notification from the Attorney representing the pending 231 Lake Road application associated with the installation of fence posts in the wetlands and the upland review area. Atty Souchons had contacted Janell Mullen via email that afternoon to request placement on the agenda so that she could provide the Commission with additional information. Nincy Binns moved to add this item to the agenda as Item 3b. Tara Tanner seconded the motion and IWA #23-01-01 was added to the agenda.

Item #2 on the agenda was the consideration of the regular meeting minutes of February 16, 2023. Member Tom Caldwell moved to approve the minutes as written. Tara Tanner seconded the motion. The motion passed unanimously.

The next item under "Pending Applications" was IWA #23-2-02 David Richardson of Scott's Nursery and Landscaping, LLC on behalf of Ian & Laura Rowan. This application was for the consideration of a pool at 6 Countryside Lane (Map 22, Lot 2) in the upland review area. The applicant approached the Commission to provide them with the information that was missing from the last meeting. He unfurled an updated survey map with delineation of the wetlands and indicated that the pool equipment and a corner of the pool will be in the upland review area. As requested by the Commission, he also indicated that the silt fencing and the stock piling of materials were on the site plan. The applicant stated that much of the stockpiled topsoil will be taken off site relatively quickly. David Richardson also stated that the site plan included a chip path that would be located outside of the upland review area, but would be installed as a new improvement to the property. Kit Lundberg asked about what equipment would be used within the upland review area for the pool installation. The applicant stated that the concrete for the pool equipment slab would be pumped in from outside of the upland review area and that no equipment would traverse or be placed in the upland review area. Member Tom Caldwell asked how deep the pool would be. David Richardson responded that it would be 6 feet. Member Nancy Binns asked what the pool equipment would be located on. The applicant responded that a concrete pad would be installed for the apparatus. There was no further discussion. Nancy Binns moved to approve the application as presented. Tom Caldwell seconded the approval of the application (IWA# 23-02-02) for the installation of an in-ground pool and its related equipment in the upland review area.

Next under Item #3 "Pending Applications" was the new item which was added to the agenda at the opening of the meeting. IWA #23-01-01 which involved the installation of fenceposts within the upland review area and the wetlands at 231 Lake Road. Atty Souchons approached the Commission and began to narrate the timeline of events leading up to the present meeting. She was representing the property owner Eli Vonnegut. She stated that the other attorney at her firm, John Knuff, was not aware of the fact that the wetlands had been flagged when he obliged to get them flagged at the February meeting of the IWC. She provided the Commission with an aerial map screen grab with sketched-up wetlands flags. Tom Caldwell stated that this was not the information that the Commission was looking for. Nancy Binns added that the request was summarized in the minutes of the meeting. Cindy Shook added that she was under the impression that a third-party soil scientist would be presenting them with further information so that they could better understand the extent of the disturbance that had occurred at 231 Lake Road in order to best evaluate the application before them. Attorney Amy Souchons questioned why the Commission was requesting this redundant information since a soil scientist had already flagged the wetlands. She questioned whether the Commission was undermining her expertise to present this information and/or the expertise of the information that had been previously presented to them.

Janell Mullen interjected by stating that that this information had been a part of IWA #22-07-02 as provided to the Commission by the last applicant, Paul Szymanski, PE and his soil scientist, Spencer Myles, and was a part of the previously denied application which proposed the same activity in the wetlands as an after-the-fact application. She stated that it was her understanding that the Commission was looking for wetlands to be delineated accurately on a survey map or a portion of a survey map to give the members a better understanding of the full extent of the wetlands on the property as well as the extent of

the disturbance. She read from the minutes of the meeting of February 16, 2023: “Chairman Favreau requested that the applicant come back with the soils delineated on a site plan that had been stamped by a Certified Soil Scientist so that the Commission could better determine what impacts and disturbance that has already occurred on this site and within its vicinity.” She also stated that it was not the intention of the Commission to undermine anyone’s expertise, yet it was requested at the last meeting that a soil scientist provide them with additional information. She noted that the survey map before them had not been certified (stamped and signed) by a soil scientist and the Commission had requested this information. Janell Mullen also stated that the application had been received by the Commission during their January 19, 2023 meeting. At the last meeting, the Commission had asked for an extension, but they have yet to receive anything in writing from the applicant representing the owner. Nancy Binns moved to request an extension in writing for this application. Tara Tanner seconded the motion. The motion passed unanimously. Atty Souchons stated that she would email staff with this request on Monday.

Nancy Binns then moved to request that a Connecticut certified soil scientist represent the information at this application at their next meeting. Tom Caldwell seconded the motion. The motion passed unanimously.

The next item, Item 4 under “New Applications” was IWA #23-3-01 William Munn on behalf of Charles Eaton regarding boathouse renovations at 387 Lake Road (Map 44, Lot 1). William Munn began the presentation to by referring to the site plan provided to the Commission and summarizing the shorefront boathouse renovations which would involving adding a second floor to an existing boathouse within 100’ of Lake Waramaug. William Munn stated that the footprint of the boathouse would remain the same. He also discussed the access to the site which would be limited by the placement of the guardrails along the state road. As suggested by land-use staff, the applicant had contacted CTDOT to inquire about the possible location of the tracking pad that would needed at the site during construction. Kit Lundberg asked what the tracking pad would be made of. William Munn stated that it would be gravel. Tom Caldwell asked about stockpiling of materials given how the constraints of the site. The applicant stated that there wouldn’t be any. The size of the property is .107 acres. Janell Mullen asked the applicant that the provide her the final communication from CTDOT if they are to make any decisions/suggestions that would determine any aspects of the project, such as the tracking pad location. Kit Lundberg asked the applicant about the use of a turbidity curtain to be sure that materials don’t fall into Lake Waramaug given the close proximity of the boathouse to the shore. William Munn stated that their soil scientist, George Logan, would be consulted regarding the turbidity curtain question. Tara Tanner moved to receive the application (IWA #23-3-01). Nancy Binns seconded the receipt of the application. The motion to receive the application on March 16, 2023 passed unanimously.

The next application under “New Applications” was Item 4b. IWA#23-3-02 regarding 381 Brick School Road (Map 33, Lot 06). Robert Nicholas was present on behalf of the property owner, John Durschinger and began his presentation by stating that the pool in the upland review area had been approved by the Inland Wetlands and Watercourse Commission on July 1, 2021. Janell Mullen stated that she had conferred this point of information with the Town’s land-use files. The pool had been previously approved by the Wetlands Commission under IWA #21-07-01 for the pool, terrace, storage building (shed) and associated utilities. Robert Nicholas stated that a garage is now being added to the scope of work. Robert Nicholas stated that he had submitted a new plan, application, and fee to the IWC Commission to represent the comprehensive work scope associated with the wetlands/upland review area on the property. Tara Tanner asked the applicant to indicate where on the site plan the wetlands were located. Robert Nicholas showed her. Tom Caldwell asked about the structures closest to the wetlands. After scaling it off on the site plan, the Commission concluded that the location of the garage would be 7’ from the delineated wetlands. Kit Lundberg asked about stockpiling and about the erosion & sedimentation controls and requested that they would be designated on the plan. Nancy Binns moved to receive the application with the request for the indication of the erosion & sedimentation controls along with location of the shed and stockpiled materials (if any) on the site plan. Tara Tanner seconded the motion. The application was received unanimously by the Inland Wetland and Conservation Commission.

The final application listed under “New Applications” was Item 4c. Allan Buttrick and Susan Moran approached the table as the applicants and the property owner with regards to IWA#23-3-03 for Sunset Lake Road (Map 17, 56). This application involves the development of a single-family home with a garage located in the upland review area. Janell Mullen distributed a copy of the soil scientist report as prepared by Ian Cole, which she stated had been uploaded to the Town’s IWC webpage. Allan Buttrick, property owner, began his presentation of the application by explaining that the site is relatively flat and that the garage was the only site improvement to be located in the wetlands. Kit Lundberg asked about the construction sequence and noted that it had not been indicated on the site plan. The engineer present, William Colby of Colby Engineering and Consulting, stated that he would be able to update the site plan with that information. Kit Lundberg also asked about retaining the 40” caliper oak tree on the lot. She suggested not compacting anywhere near the tree. She also added that the construction sequence should indicate the stockpiling of materials, the anti-tracking pad, and a note detailing the clearing of the site. Kit Lundberg asked the applicant why the house is not being located closer to the road. The applicant stated that they wanted the privacy and also that house was moved closer to the road than as indicated on the original subdivision approval. Kit Lundberg inquired about conducting a site walk once the snow thaws and once the property owner has been able to stake out the property. Janell Mullen stated that she will coordinate with the applicant and with the Chair to firm up a date and will get back to the greater Commission with possible

dates for a site walk before the April meeting of the Commission. Nancy Binns moved to receive the application with the request for a construction sequence, indication of erosion and sedimentations, and notes on the limits of disturbance. Tom Caldwell seconded the motion to receive the application. The application was unanimously.

The next item on the agenda was Item 5 “Any other business to come before the Commission”. Janell Mullen stated that she added this item to the agenda just to inform the Commission about some communication that had been taking place regarding 39 Arrowpoint Road which was the subject property of a recently approved application for a single-family dwelling. She stated that she had been contacted by the property owner, Mark Gally’s, attorney Marcus O’Neil indicating that the property owner was looking to establish a tree farm as the primary use on the property. The applicant would then to looking to establish a dock as the secondary use. Janell Mullen questioned the validity of a dock as accessory to a tree farm and also wanted the IWC Commission to be fully aware of this potential proposal since she was told by Atty O’Neil that this use would be “as of right” and would not need to go before the Commission. Janell Mullen stated that it was up to the Commission to adjudicate their regulations and it would be up to them to determine if indeed this use would fall under the category of uses exempt from wetlands review. She also stated that some work associated with the previously approved application such as clear-cutting and rough cutting of the driveway had already occurred at 39 Arrowpoint Road. She had placed the item on the agenda just so that the members of the Commission would be aware of the situation.

Cindy Shook moved on to Item 6 “Communications Received”. Janell Mullen stated there were none. Item 7 was the “Agent’s Report” which Janell Mullen reviewed with the Commission. Tom Caldwell asked about 183 Lake Road. Janell Mullen stated that she had received an email from the property owner on 3/16 asking for an appointment. She stated that it would be more effective to meet on site rather than in the Town Hall. Member Tara Tanner offered to accompany her to the property on Wednesday afternoon. Janell Mullen stated that she would coordinate with the property.

There were no public comments. Tom Caldwell moved to adjourn the regular meeting of the IWC. Kit Lundberg seconded the motion. The motion passed unanimously. The meeting was adjourned at 8:45 pm.

Respectfully submitted,

Janell Mullen
Town of Warren
Wetland Enforcement Officer
Monday, March 20, 2023