

TOWN OF WARREN
Inland Wetlands & Conservation Commission
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Regular Meeting Minutes- May 18th, 2023

Chairman John Favreau called the meeting of the Town of Warren Inland Wetlands and Conservation Commission to order at 6:02 pm on Tuesday, May 18th, 2023. Members present were Tom Caldwell, Tara Tanner, Nancy Binns, and Cindy Shook. Kit Lundberg, alternate, was absent. Janell Mullen was present as the Town of Warren Wetlands Enforcement Officer as were applicants, Bob Nicholas and Jim Schullery.

The first item on the agenda was consideration of the minutes of the Regular Meeting of April 20, 2023. Tara Tanner moved to pass them as written. Cindy Shook seconded the motion. The motion to approve the minutes of the April 20th meeting passed unanimously.

The second item on the agenda under “Pending Applications” was IWA #23-3-02 which involved an application for the installation of a garage and a pool at 381 Brick School Road (Map 233, Lot 06). Robert Nicholas was representing the property owner, John Durschinger. The applicant had been received on March 16, 2023 and then tabled until May since the applicant was not able to be present for the April meeting.

Chairman Favreau reviewed the elements of the application which included the proposal for two (2) new structures in the upland review area. The information that had been added to the application materials included details about the erosion and sedimentation controls.

Upon reviewing the site plan associated with the application, it appeared that the garage would be located approximately ten (10) feet from the flagged wetlands. Chairman Favreau confirmed this with the applicant and asked about the location of the silt fencing in relation to the wetlands. The applicant noted that it would not be placed within the wetlands as shown on the plan. The applicant also stated that the garage would be the priority project and would be installed prior to the construction of the pool.

Chairman John Favreau expressed the need for impervious surface calculations. Janell Mullen informed the Commission that the size of the lot was over ten (10) acres. Chairman Favreau asked the applicant about the stockpiling of materials. Robert Nicholas stated that the amount of material would be relatively insignificant, and it would be used on-site for minimal grading improvements. Tom Caldwell confirmed that about 20-25 cubic yards of soil would be the estimated amount of materials left over for work of this nature. Tom also suggested that the IWC walk the site. The other members agreed. After discussing availability, Tom Caldwell made a motion to set a site walk at 381 Brick School Road on Monday, May 22 at 5:30 pm. Cindy Shook seconded the motion. The motion passed unanimously.

The next item on the agenda under “New Business”- IWA #23-05-01 was an after-the-fact application for disturbance in the wetlands. This proposal involved the installation of a garage (which had not yet occurred) at 183 Lake Road (Map 13, Lot 31). The property owner, James Schullery, was present and approached the table. He introduced himself and presented his plan. He mentioned the CTDOT maintained culverts that outlet onto his property. Janell Mullen stated that she had visited the site on 5/11 with a CTDOT Engineer to review the function of the culvert and to make sure that it was being properly maintained. She confirmed that CTDOT has confirmed the

proper function of this culvert during this meeting of which the applicant had been informed and invited.

Chairman Favreau asked about the delineation of the wetlands on this property since that information was missing from the proposal and was necessary for evaluating the application. Upon being informed by the applicant that he was unsure of the exact delineation of the wetlands, the application was deemed incomplete. The applicant was instructed to come back before the Commission with additional information.

For the next agenda item, "Any other Business to come before the Commission", Cindy Shook stated that she would like to recuse herself and appeal to the Commission as an applicant. For the record, she recused herself at 6:45 pm as an acting member of the IWC. As applicant, she introduced herself and presented the members with a "Request for a Jurisdictional Ruling" involving 37 Brick School stating that the proposed use was "as of right". The proposed use of this property as she stated was grazing and other farming activity. She stated that she had consulted the CT Soil Scientist, Cynthia Rabinowitz, for insight involving this matter. Chairman John Favreau and Janell Mullen, WEO, requested time to research this matter since a "Jurisdictional Ruling" was an unprecedented action for the Commission. Janell Mullen stated that she would consult with land-use counsel as well as conduct her own research and have more information for the next meeting. Cindy Shook rejoined the meeting at 7:01 pm after this discussion.

Chairman John Favreau moved on to Item #6 Communication Received which involved the remediation plan associated with 39 Arrowpoint Road. Janell Mullen stated that she had visited the site on 5/16 and that the driveway had not yet been pulled back from the shorefront as proposed. She stated that she would revisit the site in the upcoming weeks to confirm the plan was being followed.

The next item on the agenda was the "Agent's Report". The Commission reviewed the report that Janell Mullen had provided to the members. Chairman John Favreau asked if they had been granted an extension from the applicant and/or the representative of the 231 Lake Road property involving the fence post installation. Janell Mullen stated that she had emailed the attorney representing the applicant to request a formal extension and had not received a response. Chairman Favreau stated that due to the fact that 65 days had passed without a decision and/or the request for an extension by the applicant, the application was to be formally denied. He moved to make a motion to deny the application involving 231 Lake Road. Tara Tanner seconded the motion. The motion passed unanimously.

There were no public comments. Tom Caldwell moved to adjourn at 7:08. Nancy Binns seconded the motion. The motion passed unanimously.

Respectfully submitted,

Janell Mullen
Town of Warren
Land-use Official
Monday, May 20, 2023