

John Favreau, Chair  
Cynthia Shook, Vice Chair  
Nancy Binns, Member  
Thomas Caldwell, Member  
Nora Hulton, Member  
Tara Tanner, Alternate  
Darin Willenbrock, Alternate

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## Public Hearings and Regular Meeting Minutes

Thursday, August 26, 2021

APPROVED BY INLAND WETLANDS COMMISSION December 16, 2021

At 7:00 o'clock p.m., the meeting was called to order by Chairman Favreau.

PRESENT were Chairman John Favreau, Vice Chairwoman Cynthia Shook, Member Nancy Binns, and Alternate Tara Tanner.

ABSENT were Members Thomas Caldwell and Nora Hulton, and Alternate Darin Willenbrock.

ALSO PRESENT was Richelle Hodza, Land Use Officer and Robin Tanner Hoskinson, Recording Secretary. Members of the public were present both in person and via Zoom.

The Chairman seated Alternate Tara Tanner for Commissioner Hulton.

### PUBLIC HEARINGS

**IWA #21-06-01 / 85 Curtiss Road**, Assessor's Map 7, Lot 19 / Paul Szymanski, P.E. of Arthur H. Howland & Associates, P.C. for Davidson and Elizabeth Goldin / Proposed construction of a single-family home with related appurtenances including driveway, pool, spa, pergola septic well, demolition of existing house and capping of existing well. *(Received by Commission 6/24/2021, Special Meeting/Site Walk 7/12/2021; Public Hearing opened 7/22/21 – this is day 35 of public hearing, must close or request extension for receipt of Town's subcontracted engineer's review).*

Present via Zoom, property owners Elizabeth and Davidson of 209 Northrup Street, Bridgewater introduced themselves. They spoke of their ties to the community, their children, and stated that they have rented a house on Hopkins Road in Warren beginning in September.

Professional Engineer Paul Szymanski of Arthur H. Howland & Associates, P.C. of 143 West Street, New Milford was present and stepped forward with a number of plans, placing them in view of the commission. He began explaining the reasoning behind the driveway entrance revision, showing how alternative plans would require excessive cutting or grading.

Chairman Favreau asked that the favored alternative be shown presently.

Mr. Szymanski adjusted the easel accordingly and asked the various project professionals accompanying him to step forward. Mr. Harold Tittmann, principal of Tittmann Design & Consulting LLC, 12 Titus Road, Washington Depot and architect of the proposed residence, spoke first, enumerating various considerations taken in account for the siting of the residence and its appurtenances.

Mr. Brian Brickett, excavator, and owner of Brickett Construction LLC, 350 North Main Street, Thomaston addressed the Chairman asking where he would like to begin.

Chairman Favreau asked that Mr. Brickett explain the construction sequence.

Mr. Brickett stated that the idea was to utilize the existing driveway to the extent possible. He explained that some of the blasted materials would be used for a new retaining wall.

Mr. Szymanski interjected, requesting that Mr. Brickett provide the example of a similar retaining wall recently completed in town.

Mr. Brickett and Mr. Tittmann recalled 49 Couch Road in Washington, a portion of which is also situated in Warren. The example is visible from Couch Road and uses large boulders from the site to retain the earth; rather than a non-aesthetically pleasing, traditional retaining wall. Smaller rock from the blast would be used as driveway base or elsewhere on site to reduce trucking. Everything disturbed would be graded, top-soiled, seeded, and mulch-hayed to stabilize the earth as quickly as possible.

Ms. Binns asked to be shown where the blasting was proposed.

Mr. Brickett pointed to the map stating that the majority of the blasting would be done at the rock outcropping for the house site.

Ms. Hodza asked if the rock was to be crushed on site.

Mr. Brickett said that they normally do.

Chairman Favreau again wanted clarification on the construction process.

Mr. Brickett stated that the site would first be cleared and then the blasting would begin.

The blasting expert, Mr. David D'Ambruoso of D'Ambruoso Construction Company, Inc., 60 Quaker Farms Road, Oxford stated that he blasted for the very building in which the Commission was sitting – the Town Hall – as well as its parking lot. He related the precautions he takes and that for every blast, he must obtain a permit from the Fire Marshal. A seismometer is placed at the nearest house, which measures vibrations. The seismograph readings, logue books, and other documentation remain on file for five years. A series of holes is drilled and mats are laid. Pre-blast vibration calculations are made, then a test-blast is done.

Mr. Tittmann interjected that oftentimes, neighbors arrive to witness the explosion; often they are disappointed because there is not much of anything to see. Mr. D'Ambruoso concurred that the days of "Cowboys and Indians" are over.

Chairman Favreau asked how deep the blast would be.

Mr. D'Ambruoso stated that it would be about eight feet.

Mr. Tittmann followed up, stating that it would be about eight to ten feet.

Mr. D'Ambruoso reiterated that it would be an eight-foot average for the house because it slopes down.

Ms. Hodza asked how long the blasting would take.

Mr. D'Ambruoso stated that it would take about a week's time. The shot sizes may be reduced as a precaution to reduce vibration, which takes a little longer.

Mr. Tittmann asked that Mr. D'Ambruoso address the neighbors' concerns about the well.

Mr. D'Ambruoso said that they were only going down eight feet and they are up on top of the hill and everyone's well is at least 100 feet [deep]. He related how wells used to be fracked [fractured] with dynamite. The dynamite does not hurt the wells and all of the dynamite is completely dissipated after the explosion; there is nothing left in the ground.

Mr. Favreau asked if there would be any chipping of the rock.

Mr. D'Ambruoso thought not. Mr. Brickett stated that if a high spot was discovered before pouring the foundation, they might have to chip that away. There could be some hammering, in the event that unforeseen rock might be encountered. The hammer machines are now enclosed in a housing and adhere to stricter OSEA standards.

Ms. Shook wanted to know if they would have to blast again in the event it was not deep enough.

Mr. D'Ambruoso said they would not have to do that. An eleven-foot hole would be drilled for a 10-foot blast. It was a one-shot deal.

Mr. Brickett stated that this was the case for that particular area.

Chairman Favreau asked how much was done at a time.

Mr. D'Ambruoso replied that they would do a section 20 x 20 feet to see how the rock is, where it fractures and then they would do fifty feet back from there.

Chairman Favreau asked for confirmation on the dimensions of the footprint of the house.

Mr. Tittmann responded 80 x 40.

Mr. Brickett stated that six-foot depths of rock at the lower part of the ledge would be cleared first order to have an area to work.

Mr. Tittmann stated that an over-blast of five to seven feet would be needed for the workers to get access.

Ms. Hodza asked whether rock that was too soft would be taken off site. Mr. Brickett responded that sometimes it could be used for structural fill.

Chairman Favreau asked Mr. D'Ambruoso to explain any blasting that had not gone as planned.

Mr. D'Ambruoso had had no issues. Pre-blast surveys of neighboring houses including interior, exterior, and foundations are done by a third-party.

Mr. Goldin offered to pay for any neighbor who wants a pre-blast survey performed.

Chairman Favreau asked Mr. Brickett to continue with the construction sequence, once blasting had been completed.

Mr. Brickett stated that the foundation would then be dug using the blasted rock for the boulder retaining wall toward the bottom of the driveway. Once the driveway was in, the foundation excavation would be completed along with excavation for the pool.

Chairman Favreau asked about the existing house.

Mr. Brickett said no disturbance in that area would occur, but that the house was uninhabitable and would be demolished. The existing garage was to be kept as a tool shed.

Ms. Hodza requested a written description of the construction process be submitted. Mr. Szymanski agreed to provide one. Mr. Brickett assured the Commission and the public that he was responsible for every aspect of implementing the site development plan and would be on hand to address any issues that arise until the job is completed.

Mr. Tittmann gave his assurances that the project would move along with proper precautions, but as quickly as possible and that the neighbors would be informed as needed.

Chairman Favreau stated that the public hearing will remain open.

Mr. Szymanski stated that he would email Ms. Hodza agreeing to a 28-day extension.

Chairman Favreau opened the meeting to the public.

On Zoom, Mrs. Barbara Ann Cook, 71 Curtiss Road, stated that she is three houses east of the location. She has an old fieldstone foundation and is concerned that the blasting will damage it. Ms. Cook requested that the third-party survey be done by Hartford Structural [Inspections, LLC of Manchester] prior to blasting.

Mr. Sean Hayden, Executive Director of the Lake Waramaug Task Force asked Ms. Hodza to read his letter dated August 24, 2021.

Stating that she received the letter via email on August 25<sup>th</sup> at 5:52 p.m., nearly two hours after the town hall had closed the day before, she read the letter in its entirety.

Mr. Hayden followed up, stating that this construction is similar to that at 121 North Shore Road a few years ago with significant runoff into the lake.

Mr. Szymanski stated that Curtiss Road itself needs work and should be reconstructed so that the crown is pitched in order to properly direct water off the surface of the road.

Ms. Elizabeth Gildersleeve of 77 Curtiss Road stated that she is adjacent to 85 Curtiss Road. She stated that she had requested an independent study at the last meeting, which she thought the commission had granted. She said she finds it difficult to evaluate tonight's presentation without those findings. Ms. Gildersleeve stated that if an independent study showed that an alternative site had significantly fewer negative effects on her house and the environment, she would be in favor of it, even if it were closer to her own house. She felt that only an independent study could offer the critical information that seemed lacking.

Chairman Favreau asked Ms. Hodza whether or not the third-party engineer who was reviewing the plans looked at blasting.

Ms. Hodza was unsure of the extent to which blasting was specifically reviewed, since the engineer is looking at the soundness of the proposed site plans with regard to stormwater management and erosion and sedimentation control.

Richard Berman, 77 Curtiss Road stated that he was under the impression that an independent study of blasting was requested and accepted at the last meeting and wanted to know if that study had been done. He restated his concerns about the blasting and how it may affect wells, foundations, and water leading to Lake Waramaug. Mr. Berman continued, referring to the pre-blast survey discussed earlier this evening by the applicant's contractors, which is required by the State of Connecticut. He was concerned about the theory behind the pre-blast survey – in other words, that the very requirement of pre-blast surveys exists, indicates that there can very well be a problem.

Mr. Szymanski requested to address the comments by Mr. Berman, refuting the reason for the pre-blast surveys. He stated that the surveys are done, and records are kept, because homeowners have been known to suddenly discover cracks and blame them on the blasting. He stated that there were claims of damage owing to blasting where none had occurred.

Ms. Binns asked who would be responsible for any cracks that might develop. Mr. Szymanski stated that it would be the blasting company's responsibility.

Ms. Hodza asked whether the Commission remembered authorizing an independent study of the blasting. Chairman Favreau and others had believed that it was included in Mr. Parsons' review. Ms. Hodza stated that Mr. Parsons was a civil engineer and possibly not qualified to do such a specific review. She offered to look into what the extent to which there would be any review of blasting.

Mr. Szymanski requested on behalf of the applicant that any third-party review be limited to wetlands impacts due to blasting.

Ms. Waltraud Tammen, 50 Curtiss Road emphasized that the study needed to be independent. Mrs. Tammen also stated that the letter from Sean Hayden was extremely important.

Mr. Herman Tammen, 50 Curtiss Road was concerned about the Hopkins Water Company in the area. He reiterated others' concerns, also praised Mr. Hayden's letter, and suggested that the house be moved down the hill.

Ms. Barbara Ann Cook, 71 Curtiss Road, stated that she understood from the last meeting that there would be an independent assessment by someone selected by the town and paid for the applicant that would cover blasting and its effects on inland wetlands. She stated that she would definitely want a pre-blast survey of her own house.

Hearing no other comments, Chairman Favreau sought a motion to continue the public hearing. Ms. Binns made a MOTION to CONTINUE the public hearing until September 23, 2021. Ms. Tanner SECONDED; all were in favor. The MOTION CARRIED.

[At 8:25 p.m., Chairman Favreau called for a break. The meeting resumed at 8:37 p.m.]

#### PUBLIC HEARING

**IWA #21-06-03 / 37 Brick School Road**, Assessor's Map 21, Lot 24-02 / Dennis McMorrow, P.E. for Terry Shook and Cynthia J. Stilson-Shook of 236 Brick School Road /Construction of a proposed single-family dwelling and barn. (*Received by Commission 6/24/2021, Public Hearing opened 7/22/21; Special Meeting,*

*Site Walk 8/15/21; must close public hearing tonight or request extension.)*

Vice Chairwoman Cynthia J. Stilson-Shook recused herself and joined the public.

Mr. McMorrow presented revised plans in which the house was removed and a dwelling unit would be inside the barn itself. The removal of the living area provided a place for a proposed manure dumpster, with access similar to a loading dock, so that there would be a 4-foot drop to it, and it would not be visible from the road. The dumpster will be covered and there will be an overhead door to access the dumpster.

Mr. McMorrow continued, stating that the living quarters of 500 sq ft in the southeast corner of the building. The septic approved by TAHD would remain unchanged. To accommodate the dwelling unit, the number of stalls would be decreased from sixteen (16) to twelve (12). The proposed use of the property is private, not commercial. The horses will be free range without paddocks; they will be maintained by the purchase of hay and grain. The living area has been reduced from 1800 sq ft. The gravel area in the southeast is relocated 20 ft to the west. Two gravel spreaders in different locations are 50 ft in length and will handle the water runoff from the north and south ends of the barn.

Mr. McMorrow stated that he also added hay bales to the eastern slope for erosion and sedimentation control to back up the silk fence. A construction entrance was added at the end of the driveway. A narrative on sequencing and other details were added. The revised plans reduce the driveway from 12 to 11 ft wide. Concluding his presentation, he stated that the living area in the barn would be on a heated slab, so a propane tank was added.

Ms. Tanner asked to confirm that the square footage for the living space is in the barn and is 500 sq ft.

Mr. McMorrow confirmed.

Chairman Favreau wanted to clarify that the entire self-contained, 1800 sq ft dwelling was removed.

Mr. McMorrow confirmed that it was. He then presented an aerial map from CT Eco with elevations upon which he had drawn the barn location and the distance to the brook, which flows northeast at the rear of the property. He had calculated that the barn is 74.8 ft from the existing pond and 400 feet from the brook.

The finished floor in the northwest corner of the barn is about 1 ft higher and about 3 ft higher in the northeast corner. Material to be filled inside the barn contained within the foundation walls of the barn is 900 cubic yards of material, and 750 cubic yards of material for the parking area. Impervious coverage is reduced to 10.5%.

As for clarification of blasting, Mr. McMorrow stated that up to 3 feet would need to be blasted or hammered for the foundation and possibly up to 4 feet for the septic system and a trench. He reiterated that the use was private, not commercial. He stated that the Shook Family will pasture the horses on the available remainder of the land and intends to supplement their intake with purchased grain and hay.

There will be lights at the doorways, but no added lighting is needed on the property. Mr. McMorrow stated that at 14 ft from the driveway on either side, silt fence will be installed to protect the wetlands during construction. Electricity will be accessed from the utility pole that is north of the driveway, and that the electrical wires will need to be buried under the driveway at the south edge from the road to the building. This project usually takes about 1-2 days to complete.

Ms. Tanner asked how deep the trench would be. Mr. McMorrow answered that it would be 18 inches deep.

Ms. Binns asked how the water from the north and south roofs of the barn run to the gravel spreaders.

Mr. McMorrow explained they will run from a downspout (gutter) from the north and south ends of the barn to the gravel spreaders and the water will be absorbed into the ground from there.

Ms. Tanner asked if the gravel spreaders be done first.

Mr. McMorrow explained each step of construction that is shown on his revised plans he presented to the Commission.

Ms. Tanner asked where the earth from excavation for the trench would be stored.

Mr. McMorrow explained that the dirt will be placed to the side of the driveway and then once the conduit is placed, it will be returned to the trench and covered.

Mr. McMorrow stated that the barn is a steel building.

Chairman Favreau looked to Ms. Hodza for any questions for comments.

Ms. Hodza addressed a question she had gotten about the driveway and stated that through a convoluted process, the driveway permit was granted by this Commission under Stacey Sefcik, the former Inland Wetlands Officer. The permit from the First Selectman had also been issued on it.

Chairman Favreau opened the meeting to public comment and questions.

Jim Meyer, 73 Brick School Road, distributed a map available online and a second map that zooms in on the area of Brick School Road showing that the subject property lies within an area designated by the Town of Warren as critical to the supply of clean drinking water, based on achievement of two separate standards documented on the map. He then provided calculations that 12 horses would annually contribute about 11 tons of horse manure and urine to the critical watershed. Mr. Meyer was concerned that that much waste deposited into the wetlands each year would endanger the health of many people who live in this critical watershed, including his wife, himself, his immediate neighbors, and those downstream. He asked the Commission to consider very carefully its responsibility to protect the health and safety of humans whose drinking water would be endangered by this project.

Ms. Celia Ucciardo, 31 Brick School Road suggested that everyone get their wells tested by New Milford's Hydro Technologies who could be reached at 860-355-8773.

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Burt Ouellette, 11 Brick School Rd. Stated what is the impact on this property? He stated look into the future and then look at the impact these horses have done to the property now. He thinks

that its going to get worse. He was on the site walk and was told that the horses will not cross or go near the stream on the property. Actually, if you look at the map and proposed plan it does show that the animals will be on and cross the stream.

Mr. Michael Sciulli, 152 Brick School Rd, feels that this application should be denied. Did the Shook family ever submit an application like this in the past or is this the first time this has happened? Ms. Hodza stated she believe that there was an application made years ago. Ms. Shook stated it was made about 20+ years ago. Mr. Sciulli asked if it was denied? Ms. Shook stated there were no living space in the request and it was denied by planning and zoning but it was approved by Wetlands. Mr. Sciulli saw in the application that it states a house and a barn, but it is clearly explained now that its just a steal structure or a barn, and that the living area is being added in to just get it processed. Mr. Sciulli's question about the horses will there be horses on the property grazing or will they be grazing on the wetlands? Is there an area set aside for grazing? Ms.

Hodza stated its explained that they will graze on the entire property and that the majority of the property is Wetlands. Mr. Sciulli stated he can't understand why he was denied for his alpacas, but horses on this location are, ok? He also wondered if the horses will be in the barn the entire time or out in the Wetlands, and he understands now that they will be grazing in the Wetlands. Why was he told he could not have alpacas on his wetlands but this is being considered for horses on this property? Are there specific setbacks from Wetlands for the buildings, and driveway? Will the ledge be removed from the land? He has highlighted the areas on a map that he had. Chairman Favreau stated those areas he is referring to are stockpiles. Will those piles be removed? Mr. McMorrow stated he will use it all, and place it in the foundation of the barn, its all-good fill. Mr. Sciulli would like to know what are the setbacks for the driveway? During the site walk, he didn't see pink tags around the property and he wondered why those were not there. Chairman Favreau stated the entire area is wetlands. Mr. Sciulli feels that the entire commission should recuse themselves and that Ms. Richelle Hodza should bring in an independent committee to review this process.

Peter Wilcox, 71 Brick School Rd, asked is both properties 39 + 37 Brick School Rd are being used for grazing? Mr. Wilcox stated that about 9 acers of land that is not in Wetlands and is described as marchlands to graze doesn't seem to be enough land to pasture that many animals. The research he has done shows that you need about 2 acers per animals so that would require 24 acers. The other issue he would like to address is that the Inland Wetlands regulations Section 10 addresses the considerations that the commission has to follow to making an approval on a project like this. Section 10.2 addresses criteria of the Commission for decision making on this project, it says "the applicant purposes for any feasible and prudent alternatives the proposed regulated activity which would cause less or no environmental impact to Wetlands or water courses". The Commission is being asked the make a decision on feasible and prudent alternatives. Mr. Wilcox feels that decreasing the number of stalls is a step in the right direction and that maybe the number of animals should be decreased. Maybe the applicant should follow specific guidelines once this is approved is it is approved.

Benjamin Appen, 60 Brick School Rd, lives across the road and has property that abuts this land directly. He would like to thank the Commission for their hard and long work on these projects.

He would like to echo the points that have been made already by Mike Ajello and his letter which is on the website, Mike has been a Wetlands enforcement Officer already and knows this area deeply and expressed in comprehensive language a number of reasons why he has concerns. He would like to make 2 points. 1. Commission and Community needs to understand the Shook's intentions regarding the potential sale of 39 Brink School Rd. Cindy Shook stated in the July 22 meeting that both properties are for sale. Mr. Appen states that one of the online websites lists only 39 is for sale. There was talk on the site walk that using 39 as grazing land, but if it's for sale separately, then it might only be a 6-acre lot, and giving the 6 acres is not enough for 12 horses to graze. 2. If these properties are for sale on unapproved land why is also under consideration, it seems like a lot of time and effort from the Commission and community, it would be better to get this clarified if they are for sale or not. The second question is the unique characteristics of 39 and 37 Brick School Rd would be taken into account in evaluation, it's his understanding that The Shook Family has stripped and removed topsoil from some of this land. If you look at this land it looks as if so the quality of growth is weak. Ms. Hodza asked for Mr. McMorro to speak again regarding the land. Mr. McMorro stated that prior to The Shook Family purchasing the land, the previous owner moved the pond and did some excavating to the land. Ms. Hodza reviewed the old Wetlands files and it shows that the old owner indeed did a lot of work on the property. Mr. Appen apologies and didn't mean that it was the Shook's directly, just that it looked that the land does not have absorption of biodegradable capability if it had a full load of top soil on it. Waltraud Tammen, 50 Curtiss Rd. Stated that it looks like there are no horses at this location at the present time. Mrs. Tammen also stated that during the site walk there were no signs of horses either. Herman Tammen, 50 Curtiss Rd. feels that this application should be denied. Mr. Tammen feels that it's affecting the drinking water, best practice of having animals, correct disposal of manures, not enough area to graze for food, fencing- horses get out/ install fencing. Warren is a right to farm town, this property is Wetlands and is not appropriate. Peter Wilcox, 71 Brick School Rd, asked what locations are for sale? Ms. Hodza doesn't see the relevance of it being for sale while an application is being filed. It is not uncommon. It is no unusual. Chairman Favreau asked is the landowner would like to speak and answer this question. Mrs. Shook, 37 Brick School Rd, Ms. Shook introduced herself and expressed that this is not a commercial operation. She expressed her love and passion for horses in need. Mrs. Shook stated that she takes in horses from slaughter houses so they live a better life. Mrs. Shook also has a wide range of love for all animals and has worked with them for many, many years. Her and her husband take care of these animals because they want to and they do it out of their own pocket, it's not a non-for-profit organization. She has removed horse this year because the property was going to be looked at and she didn't want to upset the horses, but in the previous years they have been there. The manure is going to be less because the horses will be in stalls half the day and that will be going into a manure dumpster. Ms. Shook stated as far as the horses going down to

the stream, she said they will not go there because it's a big drop down and the horses will not go down there.

A discussion between Ms. U and Ms. Shook regarding a Facebook post was stopped by Chairman Favreau.

Chairman Favreau asked if Mrs. Shook should address the question if the locations are for sale? Ms.

Shook did answer the question of is the property for sale, Shook answered YES, that she put the property on the market in the beginning of covid when all properties were selling fast. Ms.

Shook stated that once they get the permit and the building begins the property will not be for sale.

Mr. Myers, 39 Brick School is listed for sale, what happens is it sells then how many horses will be on the 37 Brick School Rd property?

Burt Ouellette when will it stop? He understands the passion for horses but when is too many? Ms. Shook stated there's 12 stalls and that's as many horses as they will have.

Herman Tammen, 50 Curtiss Rd, A company CJ Ranch, Terry Shook. Ms. Shook pays taxes to the town for CJ Ranch. Looking up under horse pages, it shows that years ago that she sold horses. He stated that tonight is about 37 Brick School Rd. nothing else.

Chairman Favreau asked the Commission, have we heard enough information to close the public hearing or should we ask for an extension?

The Chairman sought MOTION from the floor

Mr. Tanner made a MOTION to close the public hearing; Ms. Binns SECONDED. The MOTION CARRIED.

The Commission will determine a course of action.

#### REGULAR MEETING

Chairman Favreau called the regular meeting to order at 9:57pm. In addition to himself, Nancy Binns, Tara Tanner (seated earlier for Nora Hulton) and Vice Chairwoman Cindy Shook (who now rejoined the commissioners table) were present. Members Tom Caldwell and Nora Hulton were absent, as was Alternate, Darin Willenbrock. A quorum was determined.

#### Additions to the Agenda

IWA #21-08-05 / Sunset Lake RD, Assesor's Map 17 Lot 55-1 / Justin and Danielle Soule of 122 Kent Rd S Cornwall Bridge / Single family home (3-bedroom home) (Received by Land Use Officer 8/25/2021; to be received by Commission 8/26/2021)

IWA #21-08-06 / 65 Mountain Lake Road / Dean Gregory on behalf of Jessica Masters by permission of Scott Thyberg, Executor of the Estate of Alfred C. Thyberg / Construction of a driveway and roof drain splash pad within the regulated. (Received by Land Use Officer 8-25- 2021 3:36 pm, received by Commission 8/26/2021)

Mr. Binns made a MOTION to accept, Ms. Shook SECONDED, MOTIONED CARRIED Approval of Minutes

Minutes of the Regular Meeting of July 22, 2021 Minutes of Special Site Walk on August 15, 2021

Ms. Tanner MOVED to approve the minutes of the July 22, 2021 meeting, Ms. Binns

SECONDED. The MOTION CARRIED

Pending Applications

IWA #21-06-04 / 47 Rabbit Hill Rd, Assessor's Map 9 Lot 27 / Nora Hulton / Proposed addition to single family dwelling. Received by Land Use Officer 6/22/2021; to be received by Commission 6/24/2021)

Tabled to the next regular meeting per Richelle Hodza

IWA #21-07-01 / 381 Brick School Rd, Assessor's Map 33, Lot 6 / Dennis McMorrow of Berkshire Engineering for John Durschinger / Construction of a pool and terrace (with related excavation and grading), terrace, storage building, and utilities in the regulated area (Received by Land Use Officer on 7/20/2021; to be received by Commission 7/22/2021)

Mr. McMorrow made the modifications needed and noted them all on the plans given to the Commission.

Ms. Shook MOVED to approve; Ms. Tanner SECONDED, MOTIONED CARRIED New Applications (Receive and determine significance)

IWA #21-08-01 / Brick School Rd, Assessor's Map 27 Lot 02-02 / Alistair J. Carr of 184 Brick School Rd / Installation of a 176 sq ft dock on private pond (Received by Land Use Officer 8/4/2021)

Mr. Carr was present and explained that the dock rests in the pond, it sits on the shore. There will not be any need for modifications to the land or shore. The dock will be removed in late Fall and placed back in the pond in the Spring.

Ms. Shook MOTIONED to accept the application. Ms. Binns SECONDED; the MOTION PASSED.

IWA #21-08-02 / 37 Arrow Point Rd, Assessor's Map 41 Lot 03 / Laurie Mead McGrory for the Estate of John A. Mead / Installation of a 190 sq ft dock on Lake Waramaug (Received by Land Use Officer 8/23/2021; to be received by the Commission 8/26/2021)

Mr. Mike Lauretano, Regatta Dock Systems, 7 Heron Pointe Morris CT, represented the applicant to explain the dock wanting to be installed. The dock will rest on the shore, there is no construction needed to clear the area. The dock will be centered on the water front. Ms. Hodza asked if there was a dock there previously? Mr. Lauretano answered yes there was. This get

removed in the Fall and replaced back in April. Ms. Hodza asked if any work at the shoreline will need to be disrupted. Mr. Lauretano stated no there's no work needed.

Ms. Binns MOTIONED to accept the application; Ms. Tanner SECONDED; the MOTION PASSED.

IWA #21-08-05 / Sunset Lake RD, Assessor's Map 17 Lot 55-1 / Justin and Danielle Soule of 122 Kent Rd S Cornwall Bridge / Single family home (3-bedroom home) (Received by Land Use Officer 8/25/2021; to be received by Commission 8/26/2021)

Mr. & Mrs. Soule were present and gave the report of their application. Mr. & Mrs. Soule are looking to build a 3-bedroom house 1650 sq ft with an attached garage. The septic is pending with TAHD. This will be a modular home with a basement. The driveway will be gravel. The equipment and machines needed for the construction will enter from the road to the driveway and will not be entering the Wetlands area at all during construction. The concern is the location of the stock pile located on the Map provided. Ms. Hodza suggested to relocate the stock pile away from the Wetlands location on the property. The construction of the deck drawn will be an after the fact build. Ms. Hodza suggested that the Commission allow the Inland Wetlands Officer to Approve.

Ms. Binns MOVED to allow agent approval given that across the street there's no wetlands Ms. Tanner SECONDED; MOTION CARRIED

IWA #21-08-06 / 65 Mountain Lake Road / Dean Gregory on behalf of Jessica Masters by permission of Scott Thyberg, Executor of the Estate of Alfred C. Thyberg / Construction of a driveway and roof drain splash pad within the regulated. (Received by Land Use Officer 8-25- 2021 3:36 pm, received by Commission 8/26/2021)

Mr. Joe Green was present representing the applicant. The application in requesting the construction of a driveway. Mr. Green explained that the driveway is going to be gravel and the runoff will be 4-inch PVC pipe to a splash pad. The steepest grade is 8% of the driveway.

Ms. Binns MOTIONED to accept and receive the application, Ms. Shook SECONDED; the MOTION PASSED

Other Business Proper

IWA #21-02-02 / 39 Arrow Point Rd, Approved by the Commission on 5/27/21 with condition of a bond in the amount of \$15,000 / 39 Arrow Point Road, Assessor's Map 41, Lot 4 / Paul Szymanski, P.E., on behalf of the Gally Family Irrevocable Real Estate Trust of 100 Newbury Court, Concord, MA / Construction of a single-family dwelling, detached garage, driveway, septic system, landscaping and related appurtenances. Discussion of possible action per section 11.9(a) of the Inland Wetlands Regulations which states that if information relied upon by the Commission in making its decision "subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked."

Chairman Favreau gave an over of the case. 39 Arrow Point was approved and the structure is located 75 ft from the shore line. The question is given that the setback is now 50 feet with the

impact of relocating the house about 100 feet from the shoreline is it reasonable to move the septic closer to the water source.

Mr. Neal Markus legal representative for the applicant and Paul Szymanski were present. Mr. Markus reported that moving the house back which would make it closer to the septic, which would then need to be closer to the wells. Mr. Markus handed out a legal map from the town clerk's office, it's a recorded easement map from the water company showing all the wells have a recorded radius of 200 ft which goes through lot 27. The deeds in the general area have a specific recorded of deed restrictions. The day you start putting a septic system closer to a well is when a water company has to decrease the amount of water the well can pump. Moving the septic closer to the well will increase the danger of the drinking well.

Chairman Favreau wanted to make clear that the information that was presented to the Commission was inaccurate. It comes down to the Commission relied on the 200 ft set back, there has been information provided and confirmed that the well only requires a 150 ft setback because it's only pumping 25 gallons per minute. Now there's additional information from the map on record that shows the restricted area of the wells. This map is supplied by the water company to the town.

Mr. Markus stated that if there's any reason the Commission would agree to move a septic system closer to a water system, there should be a very good reason for doing that, and that he as the representative can't see the reason for doing that.

Ms. Hodza agrees that moving a septic closer to a well is unsafe, and that having a house closer to the lake is safer. My thought is that the public had ample opportunity to get a position signed with 25 signatures and they didn't.

Ms. Shook MOTIONED to keep decision of IWA #21-02-02 Approval, Ms. Binns  
SECONDED; the MOTION CARRIED

Officer's Report

Ms. Hodza stated that the trench on 27 Cornwall Rd has been completed. No violations to report  
Communications Received

None at this time

Public Comment

Herman Tammen, 50 Curtiss Rd, He strongly disagrees on the finds of 7B (39 arrow point rd.) where the chairman did not vote yes or no, that should tell the commission something. Also, that is a specialist brings in something and you don't check it.

Ms. Binns made a MOTION to adjourn. Ms. Tanner SECONDED, the MOTION CARRIED, and the meeting was adjourned at 11:05pm until the next regular meeting on September 23, 2021.

Respectfully submitted, Robin Tanner-Hoskinson,  
Recording Secretary,

Link to Zoom recordings:

[https://us06web.zoom.us/rec/share/YYpMKVsOsaKJ5YpaN0n-ofYdUAQRmbbOINGenSpThWITDW\\_KpNfDmcF50\\_ReISXJ.neMMwUJw62FdDdnk](https://us06web.zoom.us/rec/share/YYpMKVsOsaKJ5YpaN0n-ofYdUAQRmbbOINGenSpThWITDW_KpNfDmcF50_ReISXJ.neMMwUJw62FdDdnk)