



Town of Warren
INLAND WETLANDS & CONSERVATION COMMISSION
Special Meeting Minutes
Thursday, December 17, 2020 – 7:00 pm
Via Zoom Video Conference (See link to recording below)

1. Call to Order, Roll Call, and Designation of Alternates

Chairman Favreau called the meeting to order at 7:04 pm. Members present on video were John Favreau, Nancy Binns, and Nora Hulton. Alternate Tara Tanner was present by phone. Land Use Officer Richelle Hodža was present by video. Vice Chairwoman Cindy Shook and Member Tom Caldwell were absent. Alternate Darin Willenbrock was absent. Ms. Tanner was seated for Mr. Caldwell.

2. Consideration of the Minutes

Ms. Binns made a MOTION to APPROVE the minutes of the Public Hearing and Regular Meeting of November 19, 2020. Ms. Hulton SECONDED; the MOTION CARRIED.

3. Pending Applications

IWA #: 20-10-02 / Dennis McMorrow, P.E. of Berkshire Engineering & Surveying, LLC on behalf of Roger Hedman of Riga Construction LLC for property owner Maria Marshall / **53 Curtiss Road**, Assessor's Map 8 Lot 23 / Partial demolition of existing cottage for addition of pool house, spa, pool, and cold plunge pool designed by Allee Architecture + Design, LLC (*Date of Receipt by Inland Wetlands Commission 11/19/20; Special Meeting Site Walk held 11/29/2020*)

Mr. McMorrow was present to explain the proposal, which had been accepted at the last meeting. A revised plan had been submitted online today by Mr. McMorrow, but most of the changes had been purely for the septic system in order to satisfy the State Health Department's requirements. Mr. McMorrow added that two old existing wells would be abandoned and that the one at the main house would serve the pool house.

Ms. Hodža recommended approval of application with the following conditions: the plan submitted by Berkshire Engineering today via pdf to the Land Use Officer shall be revised include (1) the addition of trap rock in the areas of grading along the driveway to prevent erosion; (2) the installation of hay bales behind the silt fencing on the down-gradient side; (3) the increase of the splash pad from 2'x 2' to 5'x 5'; and (4) the posting of a performance bond in the amount of \$2,500.

Ms. Binns made a MOTION to APPROVE the APPLICATION with the conditions as stated; Ms. Hulton SECONDED; the MOTION was voted on and carried with all four seated members voting affirmatively.

4. New Applications (7:27 p.m.)

IWA# 20-11-01 / Louis DiMarzo, P.E. of DiMarzo & Bereczky, Inc. on behalf property owners AN Millworkers, Inc., Iljaz ("Sam") Noćaj / **235 Kent Road**, Assessor's Map 21 Lot 17 / Construction of additions to existing structure, new basement, installation of new septic system, deposition of approximately 60 sixty yards of stone and fill with related grading; relocation and paving of driveway within the regulated area (*Date of Receipt by LUO 11/24/2020; To be received by Inland Wetlands Commission 12/17/2020*)

Mr. DiMarzo presented the application to the Commission. Approvals had been received from TAHD; the old system was non-complying. All of State's E & S guidelines had been followed for the plan, proposed impervious surface coverage would be 7.3%. In Mr. DiMarzo's professional opinion, the plan was designed to minimize impact to the wetlands, and it would not result in any adverse hydrologic impacts on adjacent or downstream properties.

Ms. Hodža clarified that there was also an above-ground pool proposed and confirmed that TAHD had not only approved the septic system for the house, but had also approved the pool, which is a separate application. Ms. Hodža had questions for Mr. DiMarzo regarding the proposed locations of stockpiled materials. Ms. Hulton had not been able to review the plans. Some plans were being delivered via email, and others were being posted directly on the Town's website. Ms. Hodža apologized for the inconsistency in distribution of various applications to the Commission owing to the pandemic.

Chairman Favreau wanted clarification on excavation for the area under the new addition. Mr. DiMarzo stated that it would be slab-on-grade in that area. Ms. Hodža wanted Mr. DiMarzo to point out the footing and roof drains. The drains would go to the back yard where cultic chargers would assist in the infiltration of stormwater. Ms. Hodža felt that the proposed system would be an improvement to the existing conditions. Ms. Hodža asked about any current gulleying or erosion since the mid- to rear- of the property was very steep. Mr. DiMarzo stated that the site was quite stable, covered with trees and leaf litter; however, the proposed work was contained within the 92 contour line.

Ms. Binns questioned the rationale behind switching from gravel, a preferable surface, to asphalt. Mr. DiMarzo said it was a preference, but that it would assist with snowplowing and also a surface for the applicant's children to play on. Presently, half of the driveway is already asphalt. Ms. Hodža added that the driveway is a somewhat steep climb up to entry onto Kent Road (aka Route 341) and that asphalt would be safer.

Chairman Favreau asked if there were any more questions or concerns. Ms. Hodža stated that the application was complete. Chairman Favreau concurred, stating that it was thorough.

Ms. Binns made a MOTION to RECEIVE the application; Ms. Hulton SECONDED; the MOTION PASSED.

IWA# 20-12-01 / Dennis McMorrow, P.E. of Berkshire Engineering & Surveying, LLC on behalf property owners Laura and Paul Brown / **60 Cornwall Road**, Assessor's Map 51 Lot 2 / Construct 16- x 30-foot in-ground swimming pool, outdoor cold-water shower, patio, pool equipment and propane tank, stone walls, grading and landscaping within the regulated area (*Date of Receipt by LUO 12/14/2020; To be received by Inland Wetlands Commission 12/17/2020*)

Mr. McMorrow presented the application on behalf of the Browns. An A-2 survey had been submitted, performed by Mr. McMorrow's office; Mr. George Malia flagged the wetlands. Chairman Favreau asked if there was presently water in the barn, next to which the proposed cold-water outdoor shower would be located. Mr. McMorrow did not know; however, a B100-a application was pending with Torrington Area Health District. Mr. Favreau asked about the drainage for the outdoor shower; Mr. McMorrow stated that it was designed to infiltrate into crushed stone, since the theory behind the requirement was that no one would stay in long enough to warrant an underground drainage system.

Ms. Hulton asked about the surface of the temporary drive which would be used during construction. Mr. McMorrow stated that it would depend on the time of year, the wetness of the soil. If wet, it would be gravel over fabric, which would be removed after construction.

Chairman Favreau asked if there was any clearing. Engineer McMorrow stated that there would not be cleared; that all the work was in existing lawn. Mr. Favreau asked for the distance from the wetlands to the pad for the pool equipment and related propane tank. Mr. McMorrow said it was 21 feet and 19 feet, respectively; however, the slope from the barn toward those wetlands, where the equipment was proposed is a gentle slope, about 4- or 5%.

Chairman Favreau asked about power and water to the machinery and shower. Mr. Favreau asked whether there was electricity in the barn currently. Mr. Favreau stated that the concern was about trenching. Mr. McMorrow stated that

he would find out for the next meeting. Chairman Favreau asked about the materials from the excavation. Engineer McMorrow stated that there would be a net surplus, which would have to be hauled off the property. Chairman Favreau asked about the stone walls and whether or not they wear dry-laid or not. Mr. McMorrow said it had not been decided yet; however, the initial sketch indicated that a dry-laid wall was desired.

Ms. Hodža asked about protections of the trees given the proximity of the proposed location of the stockpile. Mr. McMorrow stated that since it was a temporary situation, it would not likely have an effect. The owners themselves did not want anything to happen to the tree. Mr. McMorrow offered to move the stockpile if the Commission felt it was warranted. It seemed to be of no consequence.

Ms. Hodža asked about the TAHD approvals. Mr. McMorrow explained that approval was expected; however, if this application is approved, the pool company installing the pool would also have to pull a permit specifically for that installation.

Ms. Tanner asked about the power box shown on the plans. Mr. McMorrow explained that there was power from the spring house to the main house; but the questions remained about how and from where the power would and water would be brought to the new pool and its appurtenances would be answered by or before the next meeting.

Chairman Favreau asked Ms. Hodža if she recommended acceptance of the application. She confirmed the documents and information that she had received were sufficient and that the additional information requested by the commission was forthcoming per Mr. McMorrow. Mr. Favreau sought a motion.

Ms. Hulton made a MOTION TO accept and RECEIVE the application; Ms. Binns SECONDED. Ms. Hulton, Ms. Binns, Ms. Tanner, and Mr. Favreau were all in favor. The MOTION CARRIED.

IWA# 20-12-02 / Jessica Marullo on behalf property owner Michael Dell'Aera, 15 Pike Hollow Road, Stratton, Vermont / **Curtiss Road and Hopkins Road**, Assessor's Map 8, Lot 44 / Proposed 3- lot subdivision of 16.7± acres (*Date of Receipt by LUO 12/15/2020, To be received by Inland Wetlands Commission 12/17/2020*)

Ms. Marullo stated that Brian Baker, Professional Engineer, of CivilOne Engineering would be explaining the wetlands maps and answering questions. Ms. Marullo stated that she and her husband were proposing this three-lot subdivision, rather than a four-lot subdivision, in order to maintain the natural character of the area. All three homesites of 3 or more acres would have their own driveways on Curtiss Road. Two of the lots are proposed on existing former farmlands; the homesite behind them with a long driveway would remain more wooded. The homes that will be built there will not be very big, well under 3,000 square feet. More "cottage-style" homes.

Ms. Hodža inquired about the owners of the properties across the streets [i.e., Hopkins and Curtiss]. Ms. Marullo stated that Bill Hopkins [William L. Hopkins] owns the property directly behind and abutting [the subject property], and where George [Criollo] has the barns and equipment and his stone business. Across Hopkins Road at no. 64, is the spec home that Ms. Marullo said she built last year, which was sold to Joshua Mandell. Next to 64 Hopkins Road is Diego Orlanski [No. 68] whose property under contract to be sold. The abutter on Curtiss Road is Hermann Tammen.

Ms. Hodža stated that she was looking for neighbors across the roads; that the abutters were listed on SD.1. Ms. Marullo said she had the list, asked for a moment to retrieve it. She apologized for not having it ready, believing it was only needed in the event of a public hearing. Ms. Marullo read front the list beginning with Mr. Hopkins, Mr. Mandell, and Mr. Orlanski. She continued, onto Curtiss Road, is Ms. Janet R. Saladi who resides in Winstead; and Virginia Smith, directly across from Lot 1, whose address is in New Milford. 53 Curtiss Road, which Commission Alternate Member Tara Tanner identified for the Commission, as a property recently visited by the Commission, was after proposed Lot 1, and possibly not within 200 feet.

Ms. Marullo stated that their goal is to utilize the land that they have owned for a few years. She found it a bit of a challenge to get it mowed and cleaned up. The land had been owned by the Hopkins family for many years and people had been dumping garbage there: tires, tractor parts, hub caps, etc. It had been neglected, was overgrown with pricker bushes, invasives, and poison ivy. Ms. Marullo stated that she had been able to get the property cleaned up to be used and enjoyed and that the homes she envisions are quality smaller homes, one-level living, but that they are not looking to build massive 5,000 square foot homes on these lots. She stated that they would like to keep the land as natural and beautiful as it is, but to improve it and to bring it back to the pasture that it was with gorgeous trees. In addition, there are beautiful stone walls that they have uncovered.

Mr. Favreau asked whether the property had been cleared. Ms. Marullo stated that it had not been cleared; it had been brush hogged of 5' high brush. She stated that neighbors had offered resistance; others had been happy with the results. Mr. Favreau asked if Ms. Marullo had obtained a wetlands permit for the brush-hogging. Ms. Marullo stated that they were not brush-hogging near the wetland areas, nor did they have any plans to touch any of them. The majority of the wetlands are at the corner of Curtiss and Hopkins, where the stream is, and which will become "open space" and will not be disturbed.

Mr. Brian Baker with CivilOne Engineering introduced himself as a licensed professional engineer in the State of Connecticut, and as a certified professional in Stormwater Quality and a certified professional in Erosion and Sediment Control. The A-2 Property Survey was performed and Ian Cole, Soils Scientist, did the wetlands soils testing. The wetlands were field located. An aerial topographic survey and schematic feasibility plans were done for both a four-lot and a three-lot layout. Ms. Marullo felt that the three-lot subdivision would offer better marketability and entail less disturbance.

Mr. Baker asked if he could screen share so that everyone could see the plans to which he was referring. Ms. Hodža referred to a number of present technical difficulties with Zoom, as well as the day's snowstorm and closing of Town Hall, and the website host's absence from work the day before, which now hampered the ability to share visual aids; however, the commission members had been emailed the entire set of plans. Presently the only map available on the Town's website was a preliminary discussion map issued for Zoning purposes. Mr. Favreau and Ms. Hodža were present at the Town Hall during the present meeting and were therefore the only ones looking at the hard copies of all of the maps. Notably, one commission member does not have access to a computer at home.

Mr. Baker referred commission members to sheet C2.1. The property, he said generally slopes down from Curtiss Road toward Hopkins Road. The majority of the wetlands are in that western section of the property.

Certain technical difficulties were overcome at approximately 8:36 pm. Mr. Baker was able to share the screen at which time those on the video conference were able to see Map C2.1. Mr. Baker continued describing the wetlands, the cultic chargers, the distances from wetlands, including where Regulated distances become greater where slope increases. Ultimately, the only proposed activity in any wetlands-regulated area would be the deposition of approximately 520 square feet of fill for the driveway for Lot 3 at Curtiss Road, where it drops off quickly. Mr. Baker stated that no other regulated activity occurs within the regulated areas. The driveways, parts of which are between 10% and 15% grade, would be paved in order for stability to be achieved and for proper maintenance. The driveways have stone infiltration trenches. Cultec units treat the rainwater from the roof leaders. Of note, about 22% open space has been left untouched, although such a requirement does not fall under wetlands regulations. Mr. Baker stated that from an engineering standpoint, it is a straightforward proposal with only three lots on the 16+ acres and with only a small portion of the regulated area being altered near at Curtiss Road for Lot 3's driveway.

Ms. Hodža asked how long Lot 3's driveway is. Mr. Baker stated it was 950 feet. Ms. Hodža stated that with especially long driveways, the driveway regulations require pull-offs for emergency vehicles. She asked how wide the driveway is; Mr. Baker stated it was proposed at 10 feet wide. Ms. Hodža urged Mr. Baker to consult

the driveway regulations since they would require pull-off areas to allow passage between two-way traffic should an emergency occur. Mr. Baker stated he would check the regulations and revise the plans if necessary and felt that it would be possible to add the required pull-offs while remaining outside the regulated areas.

Ms. Hodža asked whether the soils scientist was an independent, or whether he worked “in-house” for CivilOne. Mr. Baker stated that Mr. Ian Cole was an independent soils scientist.

Ms. Hulton questioned whether or not the Commission would have recourse if someone bought one of the lots and wanted to put something larger than was proposed with this application.

Ms. Hodža stated that the present application was merely to ascertain that the proposed three-lot subdivision was feasible without having a significant impact on the wetlands. If the application was approved, the present plans could be used as support for the development of any of the lots; however, a specific application for each of the three specific dwellings would have to be approved by the Commission. Mr. Baker concurred that the drawings are hypothetical and are not to be construed to contain the precise footprint and location of an end-user’s own proposal. Mr. Baker stated that the drawings demonstrate his professional opinion that three dwellings can be built on this property without significant impact on the wetlands.

Ms. Hodža asked Mr. Baker to discuss the wetlands on Lot 2. She asked if it was a pond. Mr. Baker referred to the Soil Scientist’s report which described Wetland #2 as a “wet pocket in a concave shelf on the hillside.” Ms. Hodža asked if we had that report. Mr. Baker stated that it was attached to the pdf that had been submitted. Ms. Hodža stated that she had not had the chance to review it.

Mr. Baker offered to have Mr. Cole available at the next meeting. Mr. Favreau stated that the application would require much closer attention and that no one had had the chance to review them. Mr. Favreau asked if any word had come from TAHD yet. Mr. Baker felt that it would be in hand before the next wetlands meeting.

Ms. Hodža raised the issue of the Hopkins Supply water company that supplies nine units and 77 people with water. Although a letter was received from the State of Connecticut Department of Public Health stating that the distances between the Hopkins Supply and the proposed systems were within limits, Ms. Hodža was unsure about any possible effects on the volume of water. Ms. Marullo stated that issue had been reviewed by the state and that there was no considerable impact on the existing wells. The letter had not been distributed to Commission members since it had been submitted in advance of the application. Ms. Hodža stated that she wanted to review the letter again but stated that the approvals would ultimately rest with TAHD.

Both Ms. Hodža and Chairman Favreau felt that the application and related documents had been unable to be collated and reviewed by Commission members properly owing to timing, weather, and the pandemic. The Chairman wanted the TAHD approval in hand and wanted the application in a more complete form. The concern was that the Commission was being rushed. Ms. Marullo understood.

Mr. Favreau leaned toward deeming the application incomplete for lack of information. Mr. Baker pointed out that TAHD approval did not have to be received in order for the application to be deemed complete according to Warren’s application. Ms. Hodža stated that the application could be received tonight, since it and supporting documentation was technically received by pdf and by email. Commission members would need the next five weeks until the next regular meeting to properly review it. Ms. Hodža also stated that a public hearing would be in order and that she believed the Chairman was of the same mind. She also read an email into the record from a neighbor at 77 Curtiss Road, Ms. Elizabeth Gildersleeve, who requested a public hearing.

Ms. Marullo wanted to know what a public hearing was for with regard to the subdivision. Ms. Hodža explained that it was to hear from the public. Ms. Hodža stated that she felt that an independent engineer and an independent soils scientist needed to review the plans on behalf of the Town and at the applicant’s expense. Ms. Marullo was opposed to the idea stating that she had produced a \$30,000 feasibility plan and did not wish

to incur additional expenses for the Town's outside professionals to review them. Ms. Binns asked if we could hire an engineer but not a soils scientist. Ms. Hodža replied that the Commission could choose to hire or not hire outside professionals as it saw fit. Ms. Hodža stated that it was her recommendation to the Commission, not a requirement, to have a review on the Town's behalf, since the project was large and no one on the commission is a professional soils scientist or engineer. Ms. Marullo said in her opinion it was not necessary to have her spend more money on more things.

Ms. Hodža asked the Chairman what he wanted to do. Chairman Favreau said, first of all, that all of the plans needed to be reviewed in depth. Mr. Favreau said that now that he had the hard copy of the plans which were large enough to look at, he could begin to do that. Chairman Favreau determined that the Commission could receive the application tonight. He also stated that all of the various materials need to be posted on the website so that the public had access to all of the information before a public hearing was held. Ms. Hodža stated that the other commission members should be given hard copies where possible.

Ms. Hulton asked if the Chairman recommended a site walk. The Commission agreed a special meeting for a site walk should held.

Ms. Binns made a MOTION to RECEIVE the application.

Ms. Marullo wanted to know if the public hearing would be mandatory. Mr. Favreau stated that it was not mandatory but that the Commission felt that it was necessary because of significant disturbance to the Wetlands. The Commission has 65 days to set the public hearing.

Ms. Hulton SECONDED the MOTION. All present were in favor. The APPLICATION was RECEIVED.

Ms. Hodža noted that the next meeting was January 28, 2020 on zoom 7:00 p.m.

Ms. Hodža asked if there was a motion for the Special Meeting Site Walk. Chairman Favreau said a motion was not needed. The site walk was arranged for Sunday, January 10 at 3:30 p.m. Ms. Marullo requested that people meet and park on the side of Hopkins Road near George's Stone Walls business for safety and visibility.

5. Adjournment

Ms. Binns made a MOTION to ADJOURN; Ms. Tanner SECONDED, all were in favor.

Respectfully Submitted,



Richelle Hodža, Land Use Officer
Dated 12/27/2020 11:47 p.m.

Link to Recording:

https://zoom.us/rec/share/-IfxvNM9Cs81_XZP0Uys5pKIJgfIPi8jw6BCxSWw05bsedqazJAbsmL_BAzoQGI.3gfUknT9QfLCiUhl