



Town of Warren
INLAND WETLANDS & CONSERVATION COMMISSION
Public Hearing and Regular Meeting Minutes
Thursday, February 25, 2021 – 7:00 pm
Via Zoom Video Conference (See link to full recording below)

1. Call to Order, Seating of Members, and Designation of Alternates

PRESENT were Chairman John Favreau, Vice Chairwoman Cynthia Shook, Nancy Binns, and Nora Hulton and Alternate Tara Tanner. **ABSENT** were Thomas Caldwell and Alternate Darin Willenbrock. Joanne Tiedmann was present to begin the videoconference platform; at 7:00 p.m., she turned the monitor controls over to Richelle Hodza, Land Use Officer. Chairman Favreau called the meeting to order at 7:06pm and Ms. Tanner was seated as an alternate for Mr. Caldwell.

2.

A.) Public Hearing a. IWA# 20-12-02 / Brian Baker, P.E. of Civil 1, Inc., on behalf of applicant Jessica Marullo and property owner Michael Dell'Aera, 15 Pike Hollow Road, Stratton, VT / Curtiss Road and Hopkins Road, Assessor's Map 8, Lot 44 / Proposed 3-lot subdivision of 16.7± acres (Date of Receipt by Inland Wetlands Commission 12/17/2020, 5 days of 65-day extension used; additional 90-day extension allowed by EO 7I.) Chairman Favreau opened the public hearing. Chairman Favreau noted that the commission had requested both an engineer review and a peer review on the soil scientist side which has yet to be received. The applicant is granted time to address the public.

Mr. Strub, attorney representing the owners of the property, noted some difficulty in accessing and observing the property due to weather. He stated that the applicant and her experts have attended two meetings with the commission as well having conducted two site walks with the commission. Mr. Strub stated that much of the upcoming reports would be similar to previous meeting reports as they are simply being resubmitted and shared for the record of the public meeting. Mr. Strub stated they would need time prior to the next public meeting to review and respond to the peer reports the commission has requested.

Mr. Brian Baker of Civil One shared the map of the subdivision plans in order to present the application. Mr. Baker stated the parcel includes a wetlands system that runs along the western portion of the property and extends south and below the property. He noted the isolated wetland pocket in the center of the property and another wetland watercourse that comes off of road drainage from Curtiss Road on the eastern side of the property. Mr. Baker shared the map of the proposed 3 lot subdivision of the lot, and noted that it proposed a 22% open space parcel in the northwest corner. This space still to be determined whether that would be a deeded out parcel that a conservation entity would take over or whether it would remain a part of lot 3 with a conservation easement over it. Mr. Baker noted that would be determined by the preference of the planning and zoning commission. Mr. Baker pointed out the open fields in the upper areas of lot 1 and 2, and the invasive species grown in lot 3. Mr. Baker stated in general the site slopes from north to south, from Curtiss road toward the wetlands system. Soil testing was conducted in the presence of Torrington Area Health District as indicated in the plans. The plan showed site locations for septic systems and those proposals have been submitted and approved by the Torrington Area Health District. Mr. Baker reported that the goal in sites such as this is to keep the drainage from the driveways onto the sites themselves and infiltrate them into the surrounding soils such that the proposed development hydrology matches the pre-development hydrology conditions. Mr. Baker stated this proposal is low density and low impact development due to the size of the lots. Mr. Baker stated that there had been no direct wetlands impacts, and the only activity in regulated areas is at the beginning of the

driveway of lot 3; approximately 100 feet from the adjacent wetlands, wherein which a storm water infiltration trench will be located to protect the area and beyond that there would be a 100ft buffer that would be left untouched.

Chairman Favreau asked Mr. Baker to note the measurements which take into the account the slope of the land. Mr. Baker stated that within the 100 ft. regulated area there exists a 10% slope, Mr. Baker stated that for every percentage point over 5%, another 5ft are added therefore showing a 125ft regulated line. On lot 2, the percentage is slightly steeper horizontally from the wetlands a 16% slope and therefore giving a 155ft regulated area line. In lot 1, the slope horizontally from the wetlands is 5% or less and therefore the 100ft regulated distance applies. Mr. Baker stated that in the regulations it does not specify how often to measure slope, noting that the slope increases slightly in the upper area of the lot however stated that it is their position that the with the distance from the wetlands, the storm water infiltration system, and the proposed erosion and sediment control plan that there will not be impact on the watercourse or the wetlands.

Chairman Favreau asked to clarify the locations of activities within the regulated areas of the above discussion via the maps shared. Mr. Baker obliged. Mr. Baker stated on lot 3 there is no regulated activity, a 16% slope with 100ft regulated area and 155ft regulated area based on slope. Mr. Baker stated that the erosion and sediment control plans are also provided in the proposals which are all in accordance with the D.E.P guidelines for erosion control of activities of this size. As far as the regulated activity, Mr. Baker stated there were no impact on wetlands and a total impact of 6,930 sq. ft. of upland review area, or 2.2% of the upland regulated area on the property. Chairman Favreau asked if that included the vacant lot, Mr. Baker stated it did. Chairman Favreau asked if the percentages were allocated by lot. Mr. Baker stated he did not have that information but could provide it.

Mr. Baker stated that the remainder of the plans will be more detailed showing the driveway drainage profiles. Chairman Favreau asked if the profiles of the driveway images have been updated from December to January. Mr. Baker stated this was correct, lot 1 driveway had been adjusted by 50ft and the plans have been updated to show its new locations. Design data for the septic systems are also provided within the plans, noting that each lot would eventually have to have their own detailed design plan developed. Mr. Baker stated that the remaining sheets provide soil testing results, general principles for sediment and erosion control, drainage calculations, summary of wetlands regulated activity. Mr. Baker stated that he also provided an engineering report explaining the methodology and why it is his professional opinion that this layout and design, the open space, buffer, storm water design and layout is protective of the wetlands and watercourses and that there will be no negative impact as shown with the proposed subdivision.

Mr. Ian Cole, professional registered soil scientist, stated he completed the wetland delineation performed in November 2020 and revised in January 2021. Mr. Cole stated he had submitted a detailed narrative of his reports. Mr. Cole reiterated the locations of the wetlands on the property. Mr. Cole stated that the upon first investigation in November 2020 the wetland location in the upper eastern area of lot 1 had been originally defined as an erosion feature and has since been revised as a jurisdictional intermittent watercourse. Mr. Cole explained the process for determination of a watercourse and how the original delineation after a very wet October, due to lack of hydrology it was defined as an erosional feature. Mr. Cole stated that noted in previous meetings, on lot 3 observed were several hillside seepages. In January 2021, these areas of seepages were explicitly revisited and examined and it was determined by Mr. Cole that these locations were not immediately identifiable as wetlands. Mr. Cole stated that the impact to the wetland resources he felt there is no direct disturbance or impact to the wetland areas. Mr. Cole reiterated that this development is low impact as it affects 2.2% of the regulated land. Mr. Cole stated the vegetative buffer to the watercourse on lot 1 will essentially remain the same pre and post development. Mr. Cole stated that short term impacts will be mitigated through design features consistent with 2002 soil and

erosion sediment control guidelines and the 2004 CT storm water guidelines. Mr. Cole stated that he did not feel there would be an adverse or significant effect on the wetland resources and that the development activities would diminish the abilities of the wetlands to continue to perform the functions and values that they currently do.

Chairman Favreau stated in terms of the seepage area and terms of the activity there, given the disturbance of the soils and activity in that area as of late, Chairman Favreau asked if there is potential that those areas are disturbed and any runoff or erosion occurs and then seeps into adjacent wetland.

Mr. Baker answered that during development the guidelines required will ensure there is no effect or release of sediment, especially as there exists the 100ft buffer. Chairman Favreau stated he was referring specifically to lot 3 and requested to address disturbances in that area. Mr. Cole stated that in lot 3, the maintained vegetative buffer is substantial enough to mitigate the concern of sediment migrating down into the wetland.

Chairman Favreau stated that he would refrain from asking any additional questions as they are still awaiting the peer reviews at this time. Ms. Shook asked that due to the timing of the site examination, if the hydric vegetation would have existed due to the dry summer and/or if the mowing of the fields would have taken away any of the vegetation reported as not visible. Mr. Cole stated that in his field and location of work, he and his colleagues are accustomed to identifying wetlands vegetation even in the absence of leaves and beyond the growing season. Mr. Cole stated that wetlands in CT are determined by soil type, and therefore diagnostic features are persistent and nondependent on the current climate.

Ms. Hulton asked Mr. Cole if the driveway on lot 1, if it could be moved further west, would it have a bigger impact on the wetlands. Mr. Cole stated that due to the slopes located in that area, the significant cutback and required grading for the slopes of the drive would actually have a greater impact on the area.

Chairman Favreau opened the hearing to the general public for comments and questions.

Mr. Connor, certified planner with American Association of certified planners, 9 Malay Court of Litchfield CT, stated he was participating on behalf of the Lake Waramaug Association. Mr. Connor reported the concern of the Lake Waramaug Association of the storm water quality and the storm water quality measures and how in the future these measures will be maintained. Mr. Connor stated that he was pleased with the commission having chosen to have peer reviews conducted. Mr. Connor asked Mr. Baker if it would be prudent to have double up on the silt fencing closest to the areas of the wetlands. Mr. Baker stated they can certainly double silt fence, add coir logs or staked hay bales in identified areas. Mr. Connor recommended the coir logs to the commission as they review the project and thanked the commission.

Ms. Cook of 71 Curtiss Road stated that she had heard discussion of design of septic systems for the 3 lots, however had not heard discussion of if each lot will have independent water wells or would be drawing on the Hopkins water well. Ms. Cook asked how this would impact those houses pre-existing. Mr. Baker answered that each lot would have its own water supply well. Mr. Baker stated that the State Health Department reviewed the plans and indicated that the withdrawal rate is minimal and would have no impact on the Hopkins water supply. Ms. Cook requested Ms. Hodza email her the proposed plans, Ms. Hodza stated they are all located on the town website under the boards and commissions, inlands wetlands tab, and the specific plans are located.

Chairman Favreau stated that plan C2.1 will show the wells and radius around them for each of the lots.

Mrs. Tammen of 50 Curtiss Rd. stated that the distance between the watercourse to the east of the planned driveway must meet IWC regulations and currently it does not. Mrs. Tammen stated that the 100ft distance does not consider the slope of the land and that the driveway is within the regulated area. Mrs. Tammen stated that the Northwest Conservation District Map showed the watercourse in question.

Mrs. Tammen stated that the driveway should be moved to the west side of the utility pole to improve the sightlines. Mrs. Tammen stated she is pleased the commission has hired an independent soil scientist and engineer and looks forward to reviewing the reports. Mrs. Tammen stated that she was not satisfied with the soil scientist's efforts thus far. Mrs. Tammen stated she requested all documents be available online and asked that a staff review be provided for the commission and land use officer. Mrs. Tammen thanked the commission and land use officer for their efforts.

Mr. Tammen of 50 Curtiss Rd stated that he felt there was not sufficient response in regards to the water supply for the Hopkins water company and the concern of adding 3 homes in the water supply area. Mr. Tammen stated that the current location of the driveway will not allow for sufficient sight lines for incoming and exiting traffic.

Mr. Strub clarified that in Connecticut upland review areas are not buffer zones, that activity is not precluded within those areas but the burden is on the applicant to show that any activity in those areas will not have impact on the wetland resources. Mr. Strub stated that the driveway is within the regulated area however it is the intention of the applicant to ensure there is no adverse impact.

Mrs. Gildersleeve of 77 Curtiss Rd. stated that the concerns she wished to share on behalf of herself and those neighbors which have signed the petition was the initial omission of the waterway in lot one. Mrs. Gildersleeve was pleased that the commission has hired an independent soil scientist and engineer to review the plans. Mrs. Gildersleeve asked if yield testing would be required for well permitting for the three wells to test for the potential negative impacts on neighboring wells.

Dr. Mulla of Melius Rd stated that he had submitted a concern due to the proximity to the lake and has requested that his concerns be kept on the record.

Mr. Hayden of the Lake Waramaug Task Force thanked the commission for opening a public hearing. Mr. Hayden stated that the task force has concerns regarding the storm water management plan presented and the task force will be submitting a project review letter soon. Mr. Hayden stated that he and the task force look forward to reviewing the independent reviews provided by the engineer and soil scientist hired by the commission.

Ms. Jane Flanagan of 218 Melius Rd stated she looked forward to the experts the town has hired, stated that this project is a significant development for the town of Warren and thanked the commission for holding a public hearing.

Mrs. Tammen of 50 Curtiss Rd stated that in reviewing the map of the Northwest Conservation District map it showed the watercourse of concern on the eastern side of the lot as starting north of Curtiss and flowing down directly to lake Waramaug. Mrs. Tammen reiterated that the distance be sufficient and regarded due to its flow into the lake

Ms. Roberta Stafford of 37 Curtiss Rd stated that during the site walk in January that Torrington Area Health approval had been obtained and subsequent to that, the site map has been revised to include the watercourse of concern. Ms. Stafford asked if the applicant will need to resubmit the data to Torrington Area Health when the documents are finalized.

Mr. Baker stated that if the wells and septic systems stay in the same location the approval is still valid, however if the commission feels that the final plan needs to be submitted again to Torrington Area Health they would gladly submit it again.

Chairman Favreau stated that having presented the correspondence and no further public questions or comments, the public hearing will be continued to the next regularly scheduled meeting March 25, 7:00 pm via zoom. [Zoom login information can be obtained by calling 860-868-7881 or at the following link when the agenda is posted, not later than 24 hours before the hearing <https://www.warrenct.org/node/216/agenda/2021>].

Mr. Strub thanked the commission and the interested public and reinforced that modifications have been made based on the effective process of the efforts of the commission.

Mrs. Hulton made a MOTION to continue the public hearing in the next regularly scheduled meeting March 25th at 7pm via zoom. Ms. Binns SECONDED the motion; all were in favor. The MOTION CARRIED.

REGULAR MEETING

1. Call to Order, Roll Call, Seating of Alternates

Chairman Favreau called the regular meeting to order at 8:28 pm and took roll call of the present members. **PRESENT** were Chairman John Favreau, Vice Chairwoman Cynthia Shook, Nancy Binns, and Nora Hulton and Alternate Tara Tanner. **ABSENT** were Thomas Caldwell and Alternate Darin Willenbrock. Joanne Tiedmann was present to begin the videoconference platform; at 7:00 p.m., she turned the monitor controls over to Richelle Hodza, Land Use Officer. Ms. Tanner was seated as for Mr. Caldwell.

2. Consideration of the Minutes (Amend and/or Approve) a. January 28, 2021

Ms. Binns made a MOTION to approve the minutes from the last meeting, Ms. Hulton SECONDED the motion. All were in favor, the MOTION CARRIED and the minutes are approved.

3. Pending Applications

A.) Application 20-12-02 is tabled until the next meeting as it is subject to the public hearing and the continuance of which will occur on March 25th, 2021.

4. New Applications

A.) IWC# 21-02-01 / Paul Szymanski, P.E., on behalf of the Gally Family Irrevocable Re- Town of Warren Inland Wetlands and Conservation Commission Agenda 2-25-2021 Page 2 of 2 al Estate Trust of 100 Newbury Court, Concord, MA / 39 Arrow Point Road, Assessor's Map 41, Lot 4 / Proposed installation of a stationary dock, stairs, boat lift and swim platform with related appurtenances and removal of specific trees at shoreline. (Date of receipt by Land Use Officer 2/4/2021, Date of Receipt by Inland Wetlands Commission 2/25/2021)

Mr. Szymanski, engineer representing the applicant Mr. and Mrs. Gally, stated that the proposed plan includes the removal of some saplings and one tree approximately 6-8 inches in diameter. Mr. Szymanski stated that the proposed installations will sit on the land, nothing to be fixed in the ground. Mr. Szymanski stated that he would welcome a site walk and answer any questions from the commission. Chairman Favreau stated that a site walk would be appropriate and beneficial for both this application and the following IWC application within the same property of which Mr. Szymanski is also the engineer for. Chairman Favreau asked how the posts are fastened in. Mr. Szymanski stated that the posts are not fastened; the dock and stair system does not penetrate the ground. Chairman Favreau asked how the dock would then be prevented from floating into the lake; Mr. Szymanski stated the owner would have to participate in the next meeting to explain the dock system. Ms. Binns asked if snow on the ground would affect the site walk. Mrs. Hodza asked if there were other wetlands on the property. Mr. Szymanski stated there was only the lake. It was determined to set the site walk with the next application as it was the same

property. Ms. Binns made a MOTION to receive and accept the application, Ms. Hulton SECONDED the motion. All were in favor, the MOTION CARRIED. The application has been received and accepted.

B.) IWA# 21-02-02 / Paul Szymanski, P.E., on behalf of the Gally Family Irrevocable Real Estate Trust of 100 Newbury Court, Concord, MA / 39 Arrow Point Road, Assessor's Map 41, Lot 4 / Proposed construction of a single family dwelling. (Date of receipt by Land Use Officer 2/22/2021, Date of Receipt by Inland Wetlands Commission 2/25/2021).

Mr. Szymanski shared the proposal of the building lot located at 39 Arrow Point Rd. The proposal calls for a single family home, detached garage, driveway, and patio as well as a drainage system. Mr. Szymanski stated that Arrow Point road has a public water supply system. The proposal showed the well radius on the west part of the property, the garage is located approximately 200ft from the lake and detached from the house. The proposed home is located between the garage and the lake. The proposed septic system is located between the garage and the house. The proposed shed is 10X8, the patio is located on the east side of the house and an infiltration trench system is proposed to surround the patio to infiltrate storm water runoff. Chairman Favreau asked the distance of the shore to the patio. Mr. Szymanski stated the patio was approximately 53ft to the shore and the house is proposed to be located approximately 70ft from the shore.

Mr. Szymanski stated the proposed roof runoff is to be handled via a drainage pipe going in the northeasterly direction to a rain garden that has been sized to hold and infiltrate the 100 year storm event. On the down gradient side of the proposed improvements there will be staked hay bales, silt fence and coir logs to have 3 layers of protection during construction.

Chairman Favreau asked if the rock formations on the shore line are proposed or preexisting. Mr. Szymanski stated that there was no plan to disturb the rock formations only to add vegetation as a buffer. Chairman Favreau and Ms. Hodza asked if they planned to remove the two oak trees and those trees closest to the house as well as several for the dock. Mr. Szymanski confirmed and stated they would be flagged for the site walk. Chairman Favreau asked to clarify the driveway proposal. Mr. Szymanski stated it is a proposed paved driveway. Chairman Favreau asked the percent of permeable and impermeable. Mr. Szymanski stated he did not have that information at this time but he would provide the commission. Ms. Hulton asked if this was all new construction, this was confirmed as it is all empty lots currently. Ms. Hodza asked if they would seek a special exemption from the zoning commission and if there was no feasible way to move the house further back from the lake. Mr. Szymanski stated there would be no impact so that would negate a need for feasible alternative analysis due to the full infiltration from patio and home. Ms. Hodza asked what kind of patio they are proposing. Mr. Szymanski stated he would have to ask the applicant. Chairman Favreau asked if the house dimensions were finalized or proposed. Mr. Szymanski stated it was proposed, but the final house plan will be no larger. Mr. Szymanski stated there would be no pool and the dimensions of the garage are finalized.

Ms. Binns made a MOTION to receive and accept the application, Ms. Hulton SECONDED the motion; all were in favor. The MOTION CARRIED.

Ms. Binns made a MOTION to schedule a site walk, Ms. Hulton SECONDED the motion; all were in favor. The MOTION CARRIED. The commission scheduled the site walk for Sunday March 7th at 4pm to cover both applications 21-02-01 and 21-02-02.

C.) IWA# 21-02-03 / Hadley Lord / 37 Cornwall Road / Map 50 Lot 8 / Proposed construction of a kitchen addition 8 x 20 feet within 23 feet of intermittent water course (Date of receipt by Land Use Officer 2/22/2021, Date of Receipt by Inland Wetlands Commission 2/25/2020).

Ms. Hadley Lord, homeowner of 37 Cornwall Rd shared the site plan showing the lot and proposed an expanded kitchen via post and beam piling in order to be of minimal impact to the land. Ms.

Lord pointed out that the proposed addition to the home does not actually change its distance to the water source. Ms. Hodza asked if the contractor has confirmed that no footings would need to be poured. Ms. Lord stated that she is using Newcastle Homes of Warren CT, and that the intended plan does include some posts drilled however above grade would have a decking type of foundation for the kitchen to go on top of. Chairman Favreau asked about the nature of the construction, those pilings, and the impact of them so close to the stream. Ms. Hulton added the topography was also a concern. Ms. Hodza stated a site walk would be beneficial, and that during construction erosion control measures would need to be in place and measured. Ms. Hodza stated she would like to see the stream itself and observe the topography.

Ms. Shook asked if the distance to the well needed to be considered. Ms. Hodza stated that Torrington Area Health district approval would be necessary so that would be vetted. Ms. Lord stated that she had spoken with Mr. Manley and discussed the requirements, and due to the type, distance and dwelling addition that was proposed it wouldn't be necessary. Ms. Shook asked why Ms. Lord did not move the kitchen over to the opposite side to gain distance from the wetlands. Ms. Lord stated that her intention was to maintain the elevation of the house from the view of the road, and aesthetically to maintain its historic image. Ms. Hodza asked about the box near to the home, Ms. Lord stated is a massive planter box.

Ms. Shook made a MOTION to receive and accept the application pending a site walk, Ms. Binns SECONDED the motion, all were in favor. The MOTION CARRIED.
The site walk is scheduled for Ms. Lord, 37 Cornwall Rd at 3:00 pm on Sunday, March 7th.

Ms. Lord asked if she could receive a topography report from a surveyor, Ms. Hodza stated that due to the small lot size the survey, and its relatively level ground, it would not be necessary to receive a topography report. Chairman Favreau concurred, stating that the site walk should be enough to understand the topography. Ms. Lord asked if the contractor present at the site walk would be beneficial. Chairman Favreau stated that it would be helpful. Ms. Hodza stated that a construction sequence would be necessary from the contractor as well as the engineering of the construction. Ms. Hodza stated this plan should include how the construction would maintain the integrity of the wetlands.

At 9:00, Chairman Favreau sought a motion and 2/3 vote to add an item to the agenda.

21-02-04 Adam Singer for Lyons and Gray 369 Lake Road for a dock. Some commission members were unhappy that they had no time to review the application. Ms. Hodza explained that the General Statutes require receipt of an application submitted the day before the next regularly scheduled meeting. Because Ms. Hodza received the completed application with fees, the application must be received; however, the statutes also provide a full 65 days for a decision to be rendered. In other words, if the commission has not had time to view or review the application because it was submitted "only yesterday," the commission can hear the applicant and continue the hearing to the next meeting and the one after that. It is also the case that the commission cannot render a decision the same night it receives an application: there is a 14-day statutory waiting period. [See Sec. 22a-42a(c)(1)]

MS. BINNS MADE A MOTION TO ADD MR. SINGER'S APPLICATION TO THE AGENDA; MS. HULTON SECONDED; ALL WERE IN FAVOR.

Mr. Singer presented his application to install a dock at 369 Lake Road. The commission felt it needed more information and requested that the Inland Wetlands Officer, Richelle Hodza, visit the site with Mr. Singer.

7. Inland Wetlands Officer's Report

- 120 Tanner Hill Road, the construction manager assured Ms. Hodza that in spring he would attend to the runoff from the driveway.
- 21 Arrow Point Road, Ms. Hodza inspected the erosion controls which, although difficult to fully inspect owing to the snow appeared to have been installed in the locations required.
- 53 Curtiss Road the bond had been posted, but to her knowledge, no work had begun.

8. Public Comment.

Mr. Tammen critiqued the commission's performance, procedure, forms, the Town's website, and the land use officer. Ms. Hodza attempted to address his concerns. Mr. Favreau thanked Mr. Tammen and Ms. Hodza.

9. Adjournment. The meeting was adjourned by motion, second and vote at 9:42 p.m. until the next regular meeting of March 25, 2021.

Respectfully Submitted,

Melissa Woodward

Recording Secretary

Dated: 3/4/2021

Video Recording of Proceedings:

https://zoom.us/rec/share/kLOcgAk230gdsTQn55pUMQNBUvjKcymHt1Ld3X7uhCq6l8VzbryapTX_SshnEiU.u8w_KCcWjnlHdy7Q