

**Town of Warren Inland Wetlands & Conservation Commission**  
**Regular Meeting – Minutes**  
**Monday, January 12, 2015 - 7:00PM**  
**Warren Town Hall – 50 Cemetery Road**

**PRESENT:** Vice-Chairman Cindy Shook, Nancy Binns, Nora Hulton; Alternate Darrin Willenbrock; Stacey Sefcik, Inland Wetlands Enforcement Officer.

**EXCUSED:** Chairman Keith Jewell, Dawn Blocker.

**1. CALL TO ORDER AND DESIGNATION OF ALTERNATES.**

In the absence of Chairman Keith Jewell and Vice-Chairman Cindy Shook, Nancy Binns served as Acting Chairman and called the regular meeting to order at 7:04PM. The proceedings were recorded digitally, and copies are available in the Land Use Office. Alternate Darrin Willenbrock was seated for Keith Jewell. Cindy Shook arrived to the meeting at 7:37PM.

**2. APPROVAL OF MINUTES:**

**A. December 8, 2014 regular meeting.**

**MOTION** Mr. Willenbrock, second Ms. Hulton, to accept the minutes of the December 8, 2014 regular meeting as written; unanimously approved.

**3. PENDING APPLICATIONS:**

**A. Brian Neff, PE for Daniel and Sharon Fulop, 31 Valley Road – Construction of 14' x 20' Garage Addition in the Upland Review Area.**

Brian Neff, PE addressed the Commission regarding this application. Mr. Neff explained that after discussions with Ms. Sefcik, it was determined that the garage proposal was a conflict with the Zoning Regulations regarding improvements in the Shoreline Setback Area. Because of this, the applicant wished to modify their permit application to instead construct a covered patio area in the same location; revised plans were then submitted to the Commission. Ms. Sefcik explained that Section 16.3 of the Zoning Regulations expressly prohibited constructing new automobile garages in the 100-foot area adjacent to a major water body. The front of this property was located within 100 feet of the Shepaug River, and therefore the requirements of Section 16 would apply.

Mr. Neff explained that the roofed patio would be located on exactly the same 14' x 20' footprint originally proposed for the garage addition and would only be used for storage purposes. He noted that a stormwater infiltration trench was added to the revised plans. Mr. Willenbrock questioned what materials would be used to construct the patio, and Mr. Neff explained that it would either be a concrete slab or paving blocks. A notation was added to the plan that all native vegetation must remain in place. Mr. Neff said that a small skidsteer might be used as a part of the project, and all material would be placed directly into a truck and removed offsite; no material would be stockpiled or saved to use elsewhere onsite. Ms. Sefcik said the Commission might wish to consider requiring the addition of orange construction fencing in addition to the silt fencing proposed due to the tight working conditions in close proximity to the wetlands onsite.

Mr. Neff then amended the application form to reflect the revised proposal and initialed the changes.

**MOTION** Mr. Willenbrock, second Ms. Hulton, to approve the revised application in the matter of **Brian Neff, PE for Daniel and Sharon Fulop, 31 Valley Road – Construction of 14' x 20' Covered Patio in the Upland Review Area**; unanimously approved.

**4. NEW APPLICATIONS (Receive and Determine Significance):**

**A. New England Aquatic Services for Ben Nickoll, 8 North Shore Road – Dredging and Sediment Removal in Two Inlets of Lake Waramaug Adjacent to Property.**

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Matthew Vogt of New England Aquatic Services addressed the Commission regarding this matter. Mr. Vogt explained that the property owner wished to dredge the two inlet areas on either side of his property in order to restore them to their original condition so as to enable the maneuvering of boats in both locations. Mr. Vogt explained that suction dredging would be used to remove accumulated organic material from the lakebed in these locations; the material would be pumped to dewatering bags located in the north-central area of the property adjacent to the pond. The dewatering area would be covered with plastic sheeting and surrounded by barriers to prevent erosion. Sediments would settle out in the dewatering bags, and the clear water would be returned to the pond and from there would re-enter Lake Waramaug. Approximately 300 cubic yards of sediment would be removed from the two inlets, which would decrease by approximately 25% after dewatering. Sediment from the dewatering bags would be stored at the northeast corner of the property until removed from the site by the applicant's landscaper, who planned to bring the material to his own facilities.

Ms. Binns asked how the dredging would be performed, and Mr. Vogt explained that a small craft with the dredging equipment attached would be used in both locations; workers would also be in the water to direct the process. Mr. Vogt reviewed with the Commission pictures submitted as a part of the application that showed what the dredging equipment and dewatering bags looked like. Maps of the site showing the proposed location of work and the dewatering locations were also reviewed.

Mr. Vogt explained that a turbidity curtain would be installed surrounding the areas of proposed work in order to ensure that sediment stirred up as a part of this process was contained in the work location and would not escape out into Lake Waramaug; he then submitted technical specifications for the curtain he proposed to use. Ms. Sefcik noted that Tom McGowan of the Lake Waramaug Taskforce had reviewed the application with the applicant and had provided some comments, which the Commission reviewed. Noting the importance of proper installation of the turbidity curtain, commission members questioned where the turbidity curtain would be anchored on the eastern side. Mr. Vogt stated that on the eastern side, both ends of the curtain would be anchored on the applicant's property, completely surrounding the work area. Commission members requested that the map submitted as a part of the application be updated to reflect this, as the map currently showed the curtain ending in the water just before the adjacent property owner's dock. Mr. Vogt explained that the curtain would be anchored into place using rebar staked into the ground on the shoreline.

Ms. Sefcik asked Mr. Vogt if dredging work would take place across the entire inlet on the western side. According to the plans submitted, the property line appeared to go down the center of the inlet area; if work was proposed on the half belonging to the adjacent property owner, they would then have to be a party to the application now before the Commission. Mr. Vogt stated that dredging of the entire inlet area had been planned, but he was under the impression that the inlet was entirely on the applicant's property. The map of the property prepared by Arthur Howland & Associates and submitted as a part of the application was then reviewed and showed the property line to be located down the center of the inlet. Mr. Vogt then clarified that one end of the turbidity curtain on the western inlet had been planned to be located on the adjoining property owner's shoreline.

The Commission discussed the need for additional information as to whether work would be done on the half of the inlet belonging to the adjoining property owner, as well as the need for written authorization for anchoring the turbidity curtain to a point on the abutting neighbor's property. Ms. Sefcik explained that she would also want to have the ability to access the location where the curtain was anchored for inspection purposes during the time work is being conducted.

Commission members asked when Mr. Vogt when work was proposed to take place, and he explained that he was hoping to do the work toward the end of February or beginning of March. Members of the Commission briefly discussed the significance of the application as well

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as whether a public hearing in the public interest was appropriate. Several members stated that, provided the applicant submitted the authorizations requested from adjoining property owners for use of their shoreline for anchoring of the curtain and inspection purposes, they did not feel at this time that a public hearing would be required

At 7:37PM, Cindy Shook arrived and was seated for the remainder of the meeting.

**MOTION** Mr. Willenbrock, second Ms. Hulton, to receive and accept the application in the matter of **New England Aquatic Services for Ben Nickoll, 8 North Shore Road – Dredging and Sediment Removal in Two Inlets of Lake Waramaug Adjacent to Property** with the requirement that the following items be submitted prior to the next regular meeting:

1. Revision to Map A to reflect where the turbidity curtain on the eastern inlet will be connected to shoreline.
2. If turbidity curtains will be connected to shorelines on property other than the applicant's, written authorization from those property owners will be required both for the actual connection and the ability of the Inland Wetlands Enforcement Officer to access the site for inspection purposes.
3. If dredging work is proposed in inlet areas belonging to other property owners, the application will have to be amended to include those property owners as co-applicants.

The motion was unanimously approved.

**MOTION** Ms. Shook, second Ms. Hulton, to amend the agenda to add on the following new application as item 4B: **Connwood Foresters, Inc. for City of Waterbury Bureau of Waters, Valley Road (Assessor's Map 15 Lot 1), Location of Work on 85 Acres Adjacent to Milton Road – Commercial Timber Harvest with 3 Stream Crossings**; unanimously approved.

**B. Connwood Foresters, Inc. for City of Waterbury Bureau of Waters, Valley Road (Assessor's Map 15 Lot 1), Location of Work on 85 Acres Adjacent to Milton Road – Commercial Timber Harvest with 3 Stream Crossings.**

Dave Beers, Certified Forester, of Connwood Foresters addressed the Commission regarding this matter. Mr. Beers explained that the City of Waterbury owned a parcel approximately 2500 acres in size along the eastern side of the Town between Valley Road and the Town line with Cornwall. The Upper Shepaug Reservoir was located onsite and the property was within the associated watershed. A timber harvest was being proposed on 85 acres located to the north of the property within 500 feet of the Town line with Cornwall, and access to the site would be from Milton Road, also known as Blue Swamp Road in Cornwall and Litchfield. While notification would be required to the Town of Cornwall, Mr. Beers said that the property was located greater than 500 feet from the Town line with Litchfield.

Mr. Beers submitted the application, fee, and supporting documents at this time. He then reviewed with the Commission a map of the proposed timber harvest area. Three stream crossings would be required in order to access the harvest locations. Temporary wooden bridges would be used to cross the three perennial streams and would be removed once the harvest was completed. As the banks of the stream were very rocky, the bridges would be positioned on top of the rocks and brush would be spread at the entrances to the bridge in order to make the area more level.

Mr. Beers stated that the harvest was a selective thinning, not a clear cut, and part of a forest management plan. Trees to be cut as a part of the sale were marked in the field with a blue paint dot, and trees to be cut for firewood purposes were marked with a blue paint slash. While some harvesting would occur right up to stream banks, no work was proposed in wetlands area onsite. Ms. Shook asked what vehicles would be used onsite as a part of the harvest. Mr. Beers stated that skidders would be used; no other vehicles were permitted onsite.

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The staging area where the trees would be stockpiled was proposed adjacent to Milton Road, which is the road that would be used for logging trucks to access the site. He explained that this would be the first thinning on this site. Approximately 330,000 board feet was expected to be harvested. Beech, hickory, hemlock, red maple, red oak, black walnut and a variety of other species would be included in the sale. Firewood would be comprised of all hardwoods.

Mr. Beers explained that as the City of Waterbury required an authorized person to be present when visitors entered the property, he would be required to be present if anyone wished to view the site. Ms. Sefcik informed the Commission that she would walk the site with Mr. Beers. Several Commission members expressed interest in also visiting the site. Ms. Sefcik noted that if three or more Commission members chose to attend, that would be quorum and the visit would be considered a meeting requiring an agenda and minutes. After a brief discussion, it was determined that Saturday, January 24<sup>th</sup> at 9AM would likely be the best time for such a visit.

Ms. Hulton asked when the harvest would likely begin, and Mr. Beers explained that due to the City of Waterbury's bidding process, the soonest it could begin would be during the summer. Members discussed the benefit of having the harvest completed during a dry time of the year. Mr. Beers stated that he preferred to harvest during the summer as it was more likely to be dry at that time; winter could sometimes be too warm to ensure suitably dry conditions, as was the case this past December.

**MOTION** Mr. Willenbrock, second Ms. Hulton, to receive and accept the application in the matter of **Connwood Foresters Inc. for City of Waterbury Bureau of Waters, Valley Road (Assessor's Map 15 Lot 1), Location of Work on 85 Acres Adjacent to Milton Road – Commercial Timber Harvest with 3 Stream Crossings**; unanimously approved.

### 5. **INLAND WETLANDS ENFORCEMENT OFFICER'S REPORT.**

Ms. Sefcik briefly reviewed her report regarding enforcement activities from December 9, 2014 through January 12, 2014.

### 6. **CORRESPONDENCE.**

The Commission reviewed a letter from the Department of Energy and Environmental Protection dated January 12, 2015 regarding changes to notification requirements for Aquatic Pesticide Permit Applications. They also briefly reviewed the *2013 Case Law Update* distributed at the Annual Meeting of the Connecticut Association of Conservation and Inland Wetlands Commissions (CACIWC) on November 15, 2014. The Commission also received notification of upcoming dates of the 5<sup>th</sup> Thursday Forums sponsored by the Northwest Hills Council of Governments.

### 7. **OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.**

No business was discussed.

**MOTION** Ms. Hulton, second Mr. Willenbrock, to adjourn the meeting at 8:10PM; unanimously approved.

Respectfully submitted,

Stacey M. Sefcik,  
Inland Wetlands Enforcement Officer