

Town of Warren Inland Wetlands & Conservation Commission
Regular Meeting – Minutes
Monday, May 11, 2015 - 7:00PM
Warren Town Hall – 50 Cemetery Road

PRESENT: Chairman Keith Jewell, Nancy Binns, Nora Hulton, Cindy Shook; Alternates Tom Caldwell and Darin Willenbrock; Stacey Sefcik, Inland Wetlands Enforcement Officer.
ABSENT: Dawn Blocker.

1. CALL TO ORDER AND DESIGNATION OF ALTERNATES.

Chairman Keith Jewell called the regular meeting to order at 7:05PM. The proceedings were recorded digitally, and copies are available in the Land Use Office. Alternate Darin Willenbrock was seated for Dawn Blocker. The Commission welcomed new alternate member Tom Caldwell.

2. APPROVAL OF MINUTES:

A. April 13, 2015 regular meeting.

MOTION Ms. Binns, second Ms. Shook, to approve the minutes of the April 13, 2015 regular meeting as written; unanimously approved.

3. PENDING APPLICATIONS:

A. Cornwall Tree Farm, LLC, 46 Cornwall Road – Request for Declaratory Ruling to Expand Tree Planting Area, Replace Two Drainage Pipes, and Removal of Beaver Dam.

George Githens addressed the Commission regarding this matter. Mr. Githens explained that the beaver in the pond at the back of the property had built up the dam significantly, which had resulted in flooding over an existing farm road onsite. He wished to breach the dam, and he proposed to do so either by hand or by the use of equipment which would be located on the bank nearby. Ms. Sefcik stated that she and the Highway Foreman, Josh Tanner, had visited the site to see where the work was proposed and to verify that there would be no adverse impact downstream of the work. Mr. Tanner, present in the audience, stated that he had no concerns about what was proposed.

Mr. Githens also explained that two drainage pipes that ran under the farm road around the pond had been crushed, and he wished to replace them as well. Members of the Commission reviewed maps and plans Mr. Githens submitted as a part of his application, as well as pictures of the location. Ms. Sefcik noted that the drainage pipes had been under a few inches of water at the time the pictures were taken; however, she had since been out to the site again and the area in question was now dry.

Lastly, Mr. Githens said that he wished to expand his tree planting area. He explained that he planted his trees in large pots with mulch in an area spread with mulch. Mr. Githens submitted material regarding the planting process he followed. Ms. Sefcik noted that the area where Mr. Githens proposed to enlarge his operations was wetlands adjacent to the beaver pond, which she had observed to be very wet both times she had visited his property. Given that a large amount of material would be brought into and spread throughout the wetlands area, this portion of the application appeared to propose filling of wetlands, which would require a permit. She asked if Mr. Githens wished to apply for a permit for this portion of the application, and he stated that he did not at this time. Mr. Githens then requested that the Commission proceed with discussion of only the replacement of the drainage pipes and the removal of the beaver dam.

MOTION Ms. Shook, second Ms. Binns, to determine that the activities described in the matter of **Cornwall Tree Farm, LLC, 46 Cornwall Road - Replacement of Two Drainage Pipes and Removal of Beaver Dam** represent a permitted use as of right under Section 4.1A of the Town of Warren Inland Wetlands Regulations; unanimously approved.

4. **NEW APPLICATIONS:**

A. **Bill Dranginis for The Washington Club, 26D North Shore Road – Construction of Masonry BBQ Structure and Trenching for Installation of Propane Line in the Upland Review Area.**

Bill Dranginis of Bantam Fuel and Suzanne Day of The Washington Club addressed the Commission regarding this matter. Mr. Dranginis explained that The Washington Club wished to construct a second masonry barbeque structure which would be within the upland review area of Lake Waramaug. Mr. Dranginis explained that they had originally proposed constructing the barbeque parallel to the existing barbeque onsite, approximately 20 feet from the waterfront; this would require a trench to be dug to extend the propane line to the new barbeque. However, he suggested that the applicant would now be willing to build the structure approximately 10 feet back closer to the parking area, still in line with the existing barbeque structure. Therefore, the new barbeque would be further from the lake and it would require even less trenching. The trench would be dug by hand.

Ms. Sefcik explained that while the lake was 20 feet from the original location, there was a small rise between the area and the lake. The extension of the propane line for the original location was only 10 feet, and with adequate protection, she felt this proposal would have minimal impact on the regulated area. However, given that the original barbeque structure had come before the Commission to receive a permit, Ms. Sefcik felt this application should also come before the Commission. If the applicant now wished to proceed with a modified location that was now 30 feet back from the shoreline and required even less trenching, Ms. Sefcik suggested that the application might be able to be processed as an agent determination if the Commission felt so inclined.

Commission members reviewed the sketches of the proposal and the new location of the barbeque structure. The Commission discussed the proposal and noted that the modified location was further from the lake. Members noted that proceeding through the permitting process through the Commission would mean the project would potentially not be authorized until the end of June, and it did not appear likely to cause more than a minimal impact to the lake.

MOTION Ms. Shook, second Ms. Binns, to authorize the Inland Wetlands Enforcement Officer to issue an agent determination in the matter of **Bill Dranginis for The Washington Club, 26D North Shore Road – Construction of Masonry BBQ Structure and Trenching for Installation of Propane Line in the Upland Review Area**; unanimously approved.

B. **Eric Salk, Curtiss Road (Assessor's Map 7 Lot 15-1) – Construct Driveway in the Regulated Area.**

Brian Neff, PE, addressed the Commission regarding this matter. Ms. Sefcik explained that Dr. Salk had submitted a zoning permit for a driveway on this vacant lot during the winter. However, when she visited the site, she noticed what appeared to be a watercourse approximately 5 feet from the proposed driveway flowing down from an area of standing water. Given the deep snow at the time, Dr. Salk's contractor suggested waiting to proceed on this application until the spring. Ms. Sefcik explained that when she had gone out again in April, the standing water was still there and the watercourse was still flowing. She then advised Dr. Salk that the driveway would require engineered plans and an Inland Wetlands permit.

Mr. Neff then submitted a soil scientist's report and engineered plans for the proposed driveway. The plans showed the location of the watercourse and a small wetlands area onsite. Mr. Neff explained that the driveway was shifted slightly further away from the stream. He explained that although the property also fronted on Mountain Lake Road, the driveway could not easily be located on that side of the property due to the presence of a great deal of ledge. Mr. Neff then explained the sedimentation and erosion control plans for the proposed driveway.

MOTION Ms. Binns, second Mr. Willenbrock, to accept and receive the application in the matter of **Eric Salk, Curtiss Road (Assessor's Map 7 Lot 15-1) – Construct Driveway in the Regulated Area**; unanimously approved.

C. Lynn Gray, 8 Chester Road – Replace Drainage Pipes and Repair Driveway in the Regulated Area.

Lynn Gray addressed the Commission regarding this matter. Ms. Gray explained that she had purchased the property the previous year and the dirt driveway and its drainage had not been maintained in a long time. Because of this, water flowed down the driveway toward her house and made the parking area in front of her house extremely wet and muddy. She therefore wished to have the top layer of soil removed and replaced with a gravel driveway. The existing drainage along the sides of the driveway would also be cleared out and re-established. She also wished to replace the roof drains coming from the four corners of her house. Ms. Gray explained that she had had one of them drains replaced in the fall, not realizing this required a permit. The other three had not yet been done, and she and her contractor were unsure where the drains outlet.

Members of the Commission felt that the work on the driveway was maintenance and questioned whether this was something that could be handled via a declaratory ruling. Ms. Sefcik explained that the house was surrounded by wetlands, and it was unclear if the house and yard were also in the wetlands; the driveway may very well have been a wetlands crossing when created and it was located very close to wetlands on both sides. Additionally, she believed information was needed regarding the location of wetlands onsite and where the new drainage would outlet. Also, a conservation restriction was in place for a portion of the property and the Commission would need to have a letter from the holder of that restriction granting their permission.

Commission members discussed with Ms. Gray the need for additional information regarding her proposed drainage improvements. Ms. Gray explained that she hoped to proceed with work on her driveway as soon as possible. Members discussed whether this could be handled as a declaratory ruling. Ms. Sefcik stated that while this was an existing driveway, material was being removed and some grading was being done adjacent to the wetlands onsite. This was the first application of this type she had seen here in Warren; however, similar applications in other towns where she had worked were processed with Inland Wetlands permits. She questioned how the Commission would like to handle these types of applications going forward. Ms. Shook stated that she believed the applications should come before the Commission so they were aware of the work proposed; each application could be reviewed depending on the specifics of the subject site. Several members of the Commission then expressed a desire to authorize the work on the driveway via an agent determination so that a permit was issued but the work could take place sooner.

MOTION Ms. Binns, second Ms. Hulton, to authorize the Inland Wetlands Enforcement Officer to issue an agent determination for the proposed driveway work at 8 Chester Road; unanimously approved.

MOTION Ms. Binns, second Ms. Hulton, to accept and receive the application in the matter of **Lynn Gray, 8 Chester Road – Replace Drainage Pipes in the Regulated Area** subject to the condition that additional information regarding the location of wetlands onsite and the proposed outlets for the house drains be submitted before the next regular meeting; unanimously approved.

D. Connwood Foresters for The City of Waterbury Bureau of Waters, Valley Road (Assessor's Map 15 Lot 1) Location of Work on 45 Acres Between Hardscrabble Road and Town Hill Road – Request for Declaratory Ruling for Commercial Timber Harvest.

David Beers, Certified Forester, addressed the Commission regarding this matter. Mr. Beers reviewed with the Commission the maps associated with the proposed timber harvest. He explained that two staging areas were proposed along the end of Hardscrabble Road, and one was proposed on Town Hill Road. Anti-tracking pad was planned for the exit from the landing area along Town Hill Road. Mr. Beers stated that no work was planned in wetlands areas; however, forestry equipment using the second landing area off Hardscrabble would have to cross a rocky area that appeared to have water running through it. He stated that he did not believe it was a stream. Josh Tanner, Highway Department foreman, present in the audience, noted that the landing area along Town Hill Road was located in the same area as the school bus turnaround. Mr. Beers said that they could arrange to make sure no wood was stacked in this area so as to interfere with the bus turnaround.

Ms. Sefcik explained that a timber harvest without any wetlands or stream crossings could be handled as a declaratory ruling; however, if there were crossings, she believed a permit would be required. The Commission then asked for more information about the rocky area Mr. Beers had described. Mr. Beers offered a site walk to the Commission if they felt it necessary. The Commission decided that a site walk should be scheduled, and asked Ms. Sefcik to arrange the date with Mr. Beers. Mr. Beers said that the harvest might occur during the summer months but would definitely occur during a dry time of year.

The Commission agreed to table this matter to the June meeting pending the results of the site walk.

E. Jason Travelstead for The Washington Montessori Association, Inc., Couch Road (Assessor's Map 5 Lots 5&6) – Construct Driveway in the Regulated Area.

At 8:21PM, Commission members Nancy Binns and Nora Hulton both recused themselves and left the meeting table for this application, citing their employment at The Washington Montessori School. Mr. Jewell, Ms. Shook, and Mr. Willenbrock remained seated to hear this matter.

Jason Travelstead addressed the Commission regarding this matter. Mr. Travelstead explained that the school had obtained an Inland Wetlands permit from the Commission in August 2014 for excavation work associated with the construction of a soccer field, tennis courts, and a relocated parking area. The proposal had been put out to bid; however, the costs associated with the project had come in higher than anticipated. Because of this, the project was reviewed and re-engineered. Simultaneously, the school expressed the desire to have vehicular access to the tennis court area in the event of an emergency. The current approval only had pedestrian access to the tennis court area via a staircase.

The modifications to the plan would call for significantly less blasting and earthwork; the amount of material to be removed was approximately 10,000 cubic yards less. The soccer field area would be approximately 5 feet higher than the original approval. Drainage structures onsite would be essentially the same as those approved in August 2014. Mr. Travelstead stated that their drainage calculations on all projections demonstrated that there would still be less water coming off the site than was currently, large due to the infiltration system they planned to use.

The parking area would be configured slightly different from the approved plan; however, it would still have the same number of spaces. The driveway would be extended up to the tennis court area, where five of the parking spaces would now be located. Portions of this extended accessway would be located within the upland review area. Mr. Travelstead explained that the driveway would be extended over an area that would already be disturbed as a part of the construction work. At its closest, the accessway would be 80 feet from the wetlands on the property. Mr. Travelstead explained that water from the accessway would be routed to piping that ultimately led to a detention pond on the Washington side of the property.

Ms. Sefcik explained that the Commission should consider whether this change to the plans was substantial enough to merit a new application to the Commission or whether they felt it could be handled as a modification of the existing permit issued in August 2014. She noted the significant decrease in excavation, the fact that the proposed accessway was 80 feet from the wetlands at its closest, and the fact that the accessway would be located in a location that was already going to be disturbed as a part of the construction work.

MOTION Ms. Shook, second Mr. Willenbrock, to modify Inland Wetlands Permit #14-08-01 issued to The Washington Montessori Association on August 11, 2014 as per maps and plans prepared by Civil1 dated May 15, 2014 and revised through April 30, 2015.

Ms. Binns and Ms. Hulton returned to the meeting room at 8:35PM and were seated for the remainder of the meeting.

The Commission agreed to amend the agenda to allow Dean DiNicola to address the Commission regarding a possible cell tower proposal at 205 Cornwall Road. They would then return to the agenda as written.

7. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

B. Informal Discussion with Dean DiNicola Regarding Possible New Cell Tower at 205 Cornwall Road.

Dean DiNicola addressed the Commission to express his concerns about the possible construction of a new cell tower on a residential property at 205 Cornwall Road. Mr. DiNicola explained that the cell tower was located in between various wetlands located onsite at 205 Cornwall Road as well as wetlands located on adjacent properties. Additionally, Mr. DiNicola explained that the pond on his property was fed by water that came from the wetlands area surrounding the proposed cell tower site. Mr. DiNicola expressed concern regarding the potential impact to wetlands in the area from the proposed cell tower.

Ms. Sefcik explained that the Connecticut Siting Council was the body in charge of approving locations for new cell towers. The Town had received noticing from an attorney regarding the possible location of a cell tower at 205 Cornwall Road; however, no public hearing had yet been scheduled by the Siting Council. The Town had the option of requesting a public information session be held regarding this matter, which the First Selectman had done, although a date had not yet been finalized for this either. Ms. Sefcik explained that the location of the cell tower would not go before the Commission for approval; however, it was possible the driveway accessing the tower might require a permit. If citizens or the Commission had concerns about the location of the cell tower in relation to the wetlands onsite, this would be something to bring to the attention of the Siting Council.

5. INLAND WETLANDS ENFORCEMENT OFFICER'S REPORT:

The Commission reviewed Ms. Sefcik's report of enforcement activities for the period from April 14, 2015 through May 11, 2015.

6. CORRESPONDENCE:

Ms. Sefcik explained that she had received information from the Department of Energy and Environmental Protection regarding their online training program for commissioners. While the program was not yet live, it would likely be ready by July. The Town would receive a voucher for one member to take the course for free. If anyone was interested, they should let Ms. Sefcik know by the next meeting.

7. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Discussion and Possible Action to Change Date and Time of Regular Meetings of the Inland Wetlands Commission.

Ms. Sefcik reminded the Commission that they had been discussing possibly moving the regular meeting date as Monday evenings were difficult for Chairman Jewell. Additionally, holding the meeting the night before the Planning & Zoning Commission (P&Z) meeting made it difficult for applicants to make required modifications prior to their appearance before the P&Z. She said that she had spoken with Joanne Tiedmann, the Town Clerk, who had verified that it was possible to change the date provided the Commission took a formal vote and provided notice at least 30 days prior to the changed date. She explained that it appeared that fourth Thursdays were a good night for Chairman Jewell, and it would allow applicants adequate time before the P&Z meetings. Ms. Sefcik suggested that whatever month this occurred, the Commission may wish to hold a special meeting on the second Monday as well as the new regular meeting on the fourth Thursday in order to ensure no applicant was inadvertently delayed by the change of date. Members discussed the change of date and were in favor of fourth Thursdays. A discussion was then held regarding the time of the meeting. The Commission ultimately agreed to keep the time of the meeting at 7PM.

MOTION Ms. Binns, second Ms. Hulton, to change the regular meeting date of the Town of Warren Inland Wetlands Commission to fourth Thursdays effective June 25, 2015; unanimously approved.

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MOTION Ms. Binns, second Mr. Willenbrock, to adjourn the meeting at 9:13PM; unanimously approved.

Respectfully submitted,

**Stacey M. Sefcik
Inland Wetlands Enforcement Officer**