

Town of Warren Inland Wetlands & Conservation Commission
Special Meeting – Minutes
Wednesday, February 11, 2015 - 7:30PM
Warren Town Hall – 50 Cemetery Road

PRESENT: Chairman Keith Jewell, Cindy Shook; Alternate Darrin Willenbrock; Stacey Sefcik, Inland Wetlands Enforcement Officer.

EXCUSED: Nancy Binns, Dawn Blocker, Nora Hulton.

1. CALL TO ORDER AND DESIGNATION OF ALTERNATES.

Chairman Keith Jewell called the regular meeting to order at 7:40PM. The proceedings were recorded digitally, and copies are available in the Land Use Office. Alternate Darrin Willenbrock was seated for Nora Hulton.

2. APPROVAL OF MINUTES:

A. January 12, 2015 regular meeting.

MOTION Ms. Shook, second Mr. Willenbrock, to accept the minutes of the January 12, 2015 regular meeting as written; unanimously approved.

3. PENDING APPLICATIONS:

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.

Matthew Vogt of New England Aquatic Services addressed the Commission regarding this matter. Mr. Vogt explained that at the last meeting, the Commission had requested that the dredging activities either be confined to the part of the inlet that belonged to the applicant or else add on the abutting property owner as a co-applicant in order to authorize dredging on that side of the inlet as well. Mr. Vogt said that the abutting property owners on the western side, Gary and Barbara Johnson, would now be included as applicants, and he submitted an amended application listing the information for Gary and Barbara Johnson, 10 North Shore Road, as well as their letter of agency granting him permission to act on their behalf.

Additionally, Mr. Vogt explained that he had modified the map included in the application packet to reflect the fact that the turbidity curtain for the work on the eastern side would be connected at both ends to the applicant's own property. However, in case this had to be modified at a later time, Mr. Vogt said that he had obtained permission from the adjoining property owner, Edgar Berner, to temporarily attach the turbidity curtain to his shoreline. He submitted an email from Mr. Berner dated February 4, 2015 which gave this permission.

Mr. Willenbrock questioned when the work would begin, and Mr. Vogt stated that he would like to begin as soon as the weather is warm enough to melt the ice on the lake. He estimated that it would take 30 days at most to complete the dredging portion of the work, with an additional two weeks for the dewatering process; the total time would be 6-8 weeks at most. The Commission reviewed the specifications for the turbidity curtain. Mr. Vogt stated that the curtain would remain in place throughout the entire process and its removal would be the last part of the project.

MOTION Mr. Willenbrock, second Ms. Shook, to approve 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 condition that turbidity curtains are to remain in place until the dewatering process is complete and all sediments have settled out in the work areas; unanimously approved.

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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.

Ms. Sefcik explained that David Beers of Connwood Foresters was unable to attend tonight's rescheduled special meeting. Mr. Jewell informed the rest of the Commission that he and Ms. Sefcik had visited the site the weekend prior, and they had been able to visit the site of two of the three proposed stream crossings as well as the location of the landing area. He noted that all trees proposed to be included in the harvest had been marked, the landing area was 40 feet back from the street, and an anti-tracking pad was now proposed in order to prevent damage to the street.

Members reviewed the application materials and discussed the need for work to be completed during a dry time of the year such as the winter. Ms. Sefcik pointed out that Mr. Beers had pointed out that it is often dryer at the height of the summer than it is during the winter, as was the case this past December. She suggested the Commission might wish to state a condition that all work is to take place during a dry time of the year. She also noted that the applicant would notify her prior to the commencement of work and periodic inspections would be conducted while the work was underway.

MOTION Ms. Shook, second Mr. Willenbrock, to approve 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** with the condition that all work is to take place during a dry period of the year; unanimously approved.

4. NEW APPLICATIONS (Receive and Determine Significance):

A. John & Ashley Dietrich, 66 Town Hill Road, Sugar Water Farm – Request for Declaratory Ruling for Grubbing Related to Expansion of Pastureland and Gardens.

John Dietrich addressed the Commission regarding this matter and submitted application forms as well as maps of the property. Mr. Dietrich explained that, as a part of their plan for the farm, they wished to clear an area at the eastern side of the property to eventually be used as pastureland, which also would be beneficial as it included the removal of invasive plants. This area was located outside of, but adjacent to, a conservation restriction area on the property. Additionally, they wished to install deer fencing around an existing garden area toward the front center area of the property. Mr. Dietrich explained that cedar posts would be used for the fence poles, and he offered to submit additional information if necessary.

Ms. Sefcik explained that she had met with Mrs. Dietrich the week prior and she believed that the activities described met the requirements for a declaratory ruling as per Section 4.1A of the Inland Wetlands Regulations as the activities were clearly related to a farming operation. However, she noted that, as there was a conservation restriction on a portion of the property, the requirements of Section 7.11 also applied. This necessitated either 60 days' notice to the holder of the restriction or else a letter from the holder of the restriction stating that the application is in compliance with the terms of the restriction. Ms. Sefcik explained to Mr. Dietrich that he should get in contact with the Warren Land Trust in order to have them review the proposal and, if they were in agreement with the proposal, they could then generate a letter that Mr. Dietrich could bring to the March meeting. If the Warren Land Trust, as holder of the restriction, issued such a letter, it is conceivable the Commission could issue a ruling that same night.

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Ms. Sefcik explained that Mr. Dietrich should also get a letter from the property owner authorizing the activity as well.

MOTION Ms. Shook, second Mr. Willenbrock, to table the matter of **John & Ashley Dietrich, 66 Town Hill Road, Sugar Water Farm – Request for Declaratory Ruling for Grubbing Related to Expansion of Pastureland and Gardens** to the March 9, 2015 regular meeting; unanimously approved.

B. Arthur Howland & Associates for Ben Nickoll, 8 North Shore Road – Construction of Two Additions in the Upland Review Area.

Ms. Sefcik explained that Paul Szemanski, PE of Arthur Howland & Associates was not able to attend the rescheduled Commission meeting; however, he or a representative would be available at the March 9, 2015 meeting. She noted that the Commission would only be accepting the application at this meeting. Ms. Sefcik reviewed the maps and plans with the Commission, explaining that the applicant wished to construct a second-story addition on the eastern side of the main house. A screened porch at the back of the main house would also be converted to a year-round room. No change in footprint was proposed as a part of this application; however, the activity was proposed within 100 feet of the shoreline of Lake Waramaug. Torrington Area Health District Approval was present in the file.

MOTION Ms. Shook, second Mr. Willenbrock, to receive and accept the application in the matter of **Arthur Howland & Associates for Ben Nickoll, 8 North Shore Road – Construction of Two Additions in the Upland Review Area** and to schedule it for discussion at the March 9, 2015 regular meeting; unanimously approved.

The Commission agreed to amend the agenda to discuss item 7 first and then return to the agenda as written.

7. Conservation Commission Review and Discussion of 3-Lot Resubdivision of 76 Tanner Hill Road.

Ms. Sefcik explained to the Commission that while they had reviewed this application a few months earlier, they had done so acting as the Inland Wetlands Commission. The applicant had since submitted an application to the Planning & Zoning Commission to subdivide this lot, and they were in the midst of a public hearing. At this time, the Commission would wear a different hat as the Conservation Commission and review the proposed subdivision from the standpoint of conservation, preservation, and open space issues relevant to the proposal. The Conservation Commission would then generate a report to the Planning & Zoning Commission based on that review. While that review was not binding, the P&Z would be interested to hear what input the Conservation Commission had to offer regarding this application and the proposed open space offering.

Bart Clark, PE, then addressed the Commission on behalf of the applicant. Mr. Clark briefly reviewed the subdivision proposal with the Commission. He explained that the 54-acre lot was proposed to be subdivided into three lots, two of which were already developed; only one new building lot was being created. While the applicant had initially requested a waiver of the open space provisions she had subsequently decided to develop an open space proposal where approximately 8.74 acres would be offered as open space; this would be slightly more than the 15% required under the Town's Subdivision Regulations. Section 5.7.2B of the Subdivision Regulations required the open space proposal to have the same percentage of wetlands soils and steep slopes as the entire parcel.

Mr. Clark then reviewed with the Commission a map of the lot entitled "Open Space Calculations" which showed that 21.52 acres of the lot contained slopes greater than 20%; most of this was on the southern end of the lot. However, the 5.53 acres of the lot comprised of wetlands were located at the northern end of the property. The area proposed as open space was located at the center portion of Lot 3, as this area was located across the street from other conserved property managed by the

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Warren Land Trust. Mr. Clark explained that the Town Plan of Conservation and Development cited this area as a priority area for open space linkage. However, an offering in this area of the lot would mean that a higher percentage of the offering would be comprised of steep slopes, while none of the offering would include wetlands soils.

Members discussed access to the proposed open space area and inquired whether the area to the extreme southern end of the property would also be of conservation value. Ms. Sefcik then read into the record a statement from Lucianne Lavin, PhD, of the Institute for American Indian Studies. She also noted that the Plan of Conservation and Development cited the area at the top of Tanner Hill Road as a Scenic View area, and explained that the Commission might wish to consider if this was an area they believed should be preserved. Mr. Clark explained that part of the reason for the scenic view from the top of the hill was due to Ms. Bates' management of the land, and that an easement that required the area to be kept in natural condition could actually cause a degradation of the view. Ms. Sefcik explained that such an easement could simply prohibit the construction of buildings or structures in the designated area.

The Commission decided that they wished to have additional time to review the proposal and the Plan of Conservation and Development, and also to allow other members of the Commission not present to review the proposal. They therefore agreed to table discussion to the March 9th regular meeting.

5. INLAND WETLANDS ENFORCEMENT OFFICER'S REPORT.

Ms. Sefcik briefly reviewed her activities from January 13, 2015 through February 11, 2015.

6. CORRESPONDENCE.

The Commission reviewed the Winter 2015 edition of *The Habitat* newsletter, distributed by the Connecticut Association of Conservation and Inland Wetlands Commissions.

8. Discussion Regarding Possible Change of Date & Time of Commission Meetings.

Mr. Jewell explained that he wanted to discuss with members the possibility of changing the date and time of Inland Wetlands Commission meetings, as Mondays were difficult for him, and he knew that other members had a hard time getting to the meeting at 7PM. Additionally, holding the Wetlands meeting the night before the P&Z meeting might not give applicants sufficient time between the two meetings in case there were changes to plans as a result of Inland Wetlands Commission approval requirements. He said that he had spoken about this with Ms. Sefcik, and they had thought first Wednesdays of the month at 7:30PM would potentially be a good time; however, he wanted input from all the other Commission members. Members of the Commission agreed to think about this potential change and discuss it at the next meeting in order to get input from those members not at tonight's meeting.

Ms. Sefcik explained that as the schedule for the year had already been filed with the Town Clerk, changing the schedule mid-year might necessitate holding special meetings. This would mean that items could not be voted onto the agenda at the meeting. She said that she would verify this with the Town Clerk prior to the March meeting.

MOTION Mr. Willenbrock, second Ms. Shook to adjourn the meeting at 9:10PM; unanimously approved.

Respectfully submitted,

Stacey M. Sefcik
Inland Wetlands Enforcement Officer