

TOWN OF WARREN
INLAND WETLANDS & CONSERVATION COMMISSION
Regular Meeting – Minutes
Monday, November 28, 2016 - 7:00PM
Warren Town Hall – 50 Cemetery Road

PRESENT were Chairman Keith Jewell, Nora Hulton; Alternate Tom Caldwell; and Stacey Sefčík, Inland Wetlands Enforcement Officer. Excused were Nancy Binns and Cindy Shook and Alternate John Favreau. Also excused was the regular recording Secretary, Richelle Hodža. Dawn Blocker and Alternate Darin Willenbrock were absent.

CALL TO ORDER and **DESIGNATION OF ALTERNATES**. Chairman Keith Jewell called the regular meeting to order at 7:00 pm. The proceedings were recorded digitally, and copies are available in the Land Use Office. Alternate Tom Caldwell was seated for Nancy Binns.

PUBLIC HEARING

Chairman Jewell announced the matter of **Stephen Owens, 121 North Shore Road** – Request to Modify Conditions #13 and 17 Associated with Permit #16-07-01W Issued July 28, 2016. Ms. Sefčík read into the record the legal notice published in the *Republican American* on November 14 and 21, 2016.

Mr. Paul Szymanski reviewed the history behind the request to modify Condition 13 regarding the conservation easements. Rather than have a third party hold the easement, Mr. Szymanski proposed language to be recorded on the land records preserving the conservation areas. As to Condition 17 regarding the time of year when earthwork could be performed on the site, Mr. Szymanski requested additional time at the front of the period from November 15 until January 31, 2017.

Ms. Sefčík read into the record three emails received this date from abutting neighbors. The Palmers and the Vances were concerned mainly with the scope, environmental impact, and precedent being set by the project. Attorney Peppers for Mulvehill Family echoed concerns raised by Palmers and Vances.

Mr. Szymanski addressed concerns raised in the letters with particular attention to the septic system.

Mr. Caldwell wanted to know what measures Mr. Szymanski would take if we were to get rain tomorrow. Mr. Szymanski explained the use of hay bales against silt fences as well as the Filtrex socks.

The Commission had a significant number of concerns and questions. Mr. Szymanski addressed each of them. Ms. Sefčík filled in and offered clarification where necessary.

A **MOTION** was made by Mr. Caldwell, **SECONDED** by Ms. Hulton, to close the public hearing in the matter of Stephen Owens, 121 North Shore Road – Request to Modify Conditions #13 and 17 Associated with Permit #16-07-01W Issued July 28, 2016 at 7:29 pm. The motion was unanimously **APPROVED**.

REGULAR MEETING

Chairman Jewell called the regular meeting to **ORDER** at 7:30 p.m. Alternates remained seated.

APPROVAL OF MINUTES. Ms. Hulton **MOVED, SECONDED** by Mr. Caldwell, to approve the minutes of the September 22, 2016 regular meeting as written; unanimously **APPROVED**. Ms. Hulton again moved, seconded by Mr. Caldwell, to approve the minutes of the October 17, 2016 site walk special meeting as written; unanimously approved.

PENDING APPLICATIONS.

Richard Rosiello for **Morris and Laurie Ferrer Podolsky, 32 Arrow Point Road** – Shoreline Stabilization and Plantings to Improve Shoreline Buffer. Mr. Rosiello, a professional landscape designer, explained his proposal and its implementation to the Commission. Ms. Sefcik had not found special caveats for the Commission's consideration. After some silent reflection by members, Ms. Hulton made a **MOTION** to APPROVE the application in the matter of Richard Rosiello for Morris & Laurie Ferrer Podolsky, 32 Arrow Point Road – Shoreline Stabilization and Plantings to Improve Shoreline Buffer; Mr. Caldwell **SECONDED**, it was unanimously **APPROVED**.

Arthur H. Howland & Associates for Stephen Owens, 121 North Shore Road – Request to Modify Conditions #13 and 17 Associated with Permit #16-07-01W Issued July 28, 2016.

Chairman Jewell looked to Ms. Sefcik for guidance. She had drafted language for the modifications with the aid of the Town's attorney in the event the Commission was to be inclined to approve the modifications. Chairman Jewell invited her to read same. Mr. Jewell asked the Commission for additional comments or questions. Mr. Jewell's stated that if the rest of the Commission saw fit to approve the modifications, he would want Counsel's language used. Ms. Hulton made a **MOTION, SECONDED** by Mr. Caldwell, to modify Conditions 13 and 17 of Inland Wetlands Permit #16-07-01W, issued July 28, 2016 as follows:

Condition 13 shall read:

As an ongoing condition of this approval, the applicant shall place a restriction on the Land Records that may be enforced by the Town of Warren Inland Wetlands Commission or its designated agent. Prior to the commencement of any construction activity pursuant to this approval, a deed restriction document and map shall be submitted for the review and approval of the Commission's attorney, which provides for the permanent preservation of the areas in the northwest and southeast corners of the property, designated with green diagonal lines on the plans dated February 4, 2016 and revised through June 29, 2016. This map shall first be modified to clearly designate each of the restricted areas as a "Conservation Restriction Area."

The Conservation Restriction Area should be described in meets and bounds. Upon approval by the Commission's attorney, the deed, the Mylar® of the map showing the restricted areas as modified above, and a copy of the modified Inland Wetlands Permit shall be filed on the Land Records of the Town of Warren. A paper copy of the updated map shall be forwarded to the Inland Wetlands Enforcement Officer for placement in the Land Use files. A copy of the executed deed restriction shall also be given to the Inland Wetlands Enforcement Officer for the Land Use files.

A fence, stone wall, woody buffer or other readily observable, permanent feature shall define the edge of the restricted area and separate it from areas which will remain as lawn or ornamental landscaping. Iron pins delineating the restricted area shall be set in the field by a licensed surveyor. In the event that the applicant chooses to install a readily observable, permanent feature other than a fence, stone wall, or woody buffer along the edge of the restricted areas, markers shall be placed at 30-foot intervals along the boundary line of the restricted areas.

Condition 17 shall read:

Earthwork and drainage improvements shall only take place between May 15th and January 31st, unless the Inland Wetlands Enforcement Officer's prior approval has been obtained to extend the construction period. The decision regarding whether to extend the construction period shall be based on such factors as current weather conditions and associated groundwater conditions onsite. As an additional precaution, all silt fencing depicted on the approved plans shall be backed by staked hay bales.

The motion was **UNANIMOUSLY APPROVED**.

NEW APPLICATIONS.

Tom McGowan for Lake Waramaug Taskforce, applicant; Bernard Dishy, Heather Allen, Lee Vance, owners; **26 North Shore Road, 96 North Shore Road, and Assessor's Map 42 Lot 5 North Shore Road** – Request for Declaratory Ruling to Clean Out Sediment Basins #5 & 6. Mr. McGowan presented maps and photographs to illustrate the areas requiring work. He provided a history of earlier efforts to provide shoreline stabilization along Sucker Brook and stated that they had held up very well and continued to provide erosion mitigation. He also stated that the Town had historically been helpful in cleaning out certain of the sediment basins in the past; however, the Town no longer does it. The clean-outs were necessary because the Lake is being filled in, particularly at the deltas. The Taskforce would use local excavator Elwyn Tanner who was familiar with the areas and had done the basins in the past. Mr. McGowan described approaches to the basins and the intent to do the least amount of damage to the sloped banks. Mr. McGowan was dismayed that the Force could not afford to do as many basins as needed this year, admitting that the vast period of time since they were last done was a reflection of the expense. Mr. Sean Hayden of the Northwest Conservation District did a full report of the area and made recommendations. The plan, as Mr. McGowan saw it, was a program of Erosion and Sedimentation controls designed by the U. S. Department of Agriculture and therefore he requested a declaratory ruling. Ms. Sefcik affirmed that this was how the plan for clean-outs had been handled in the past. Mr. McGowan added that the erosions bring sediment with all kinds of phosphates, which create a habitat conducive to the proliferation of invasive plants. Another problem is that what should be cold water running through the stream and cooling the lake and bringing oxygen is now slowed, warmed, and divested of its oxygen before it reaches the lake. The Commission thanked Mr. McGowan and he thanked the Commission. He praised property owners who were seeking measures to stabilize their shorelines using proper methods.

A **MOTION** made by Ms. Hulton was **SECONDED** by Mr. Caldwell, to find that the activities proposed in the matter of Tom McGowan for Lake Waramaug Taskforce, applicant; Bernard Dishy, Heather Allen, Lee Vance, owners; 26 North Shore Road, 96 North Shore Road, and Assessor's Map 42 Lot 5 North Shore Road –Clean Out Sediment Basins #5 & 6 are a permitted use as of right under Sections 4.1D and 4.2A of the Town of Warren Inland Wetlands Regulations; **UNANIMOUSLY APPROVED**.

There was a **MOTION** by Ms. Hulton, **SECONDED** by Mr. Caldwell, to **AMEND THE AGENDA** adding item 5.B. – Joel Johnson Building & Remodeling for **Mickey Morris, 11 Lakeview Drive** – Construction of Detached Garage in the Regulated Area; unanimously **APPROVED**.

Joel Johnson Building & Remodeling for **Mickey Morris, 11 Lakeview Drive** – Construction of Detached Garage in the Regulated Area.

Ms. Sefcik reviewed the application for the Commission, indicating various features on a map that had been submitted at the time the existing house received approval. Mr. Joel Johnson, the builder representing the owner, added to the explanation. A number of questions remained for Ms. Sefcik who stated that the Commission typically requests that an engineer's plan be submitted for the construction of such a structure, especially since the activity is planned in the Regulated Area. Ms. Sefcik pointed out that there are two pipes under the road; there is a large cut where water flows down the hill, and there is quite a bit of erosion evident. Mr. Johnson said the garage he had spoken to Ms. Sefcik about earlier in the year is now going to be a 32 x 23 foot garage with a slab only, rather than a smaller garage with a lower level access. Nonetheless, given that the garage is 20 feet away from a slope and there is a seasonal runoff ditch 15 feet across and very deep, Ms. Sefcik recommended that more information be required before the Commission met again. Ms. Hulton emphasized that more information for erosion and sedimentation controls and how the water will be diverted would be desired. Mr. Johnson agreed that a site plan could be developed before the next meeting. Mr. Caldwell wanted to be sure that the engineer's plan would show how runoff and overland water would be handled during and after earthworks were performed and urged that it be sufficient such that the Commission could make a decision at the next meeting. A **MOTION** was made by Ms. Hulton, **SECONDED** by Mr. Caldwell, to accept the application in the matter of Joel Johnson Building &

Remodeling for Mickey Morris, 11 Lakeview Drive – Construction of Detached Garage in the Regulated Area with the condition that an engineered site plan and erosion and sedimentation control information is to be submitted at the next regular meeting. The motion was **UNANIMOUSLY APPROVED**. Mr. Johnson thanked the Commission.

INLAND WETLANDS ENFORCEMENT OFFICER’S REPORT. In progress.

CORRESPONDENCE. CACIWIC Newsletter was distributed. Ms. Sefcik also received a publication about the state of the birds of Connecticut published by the Audubon Society. Ms. Sefcik also informed the Commission that the Northwest Hills Council of Government is coming to the Town’s January Planning & Zoning meeting to discuss its Plan of Development. The NHCOC hoped that members of the IW&CC would also attend. Ms. Sefcik said she would email the Commission after the holidays.

OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION. No business was discussed. The matter of a Best Practices for Beach Management Manual was tabled.

Chairman Jewell made a **MOTION** to adjourn the meeting at 8:25 p.m., which was **SECONDED** by Mr. Caldwell and unanimously **APPROVED**.

The next regular meeting will be **Monday, December 19, 2016 at 7:00 p.m.**

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'RH' followed by a stylized flourish.

Richelle Hodža,
Minutes taken from digital recording
For Stacey Sefcik, Wetlands Enforcement Officer