

**Town of Warren
Inland Wetlands & Conservation Commission
Regular Meeting – Minutes
Thursday, September 26, 2019 – 7:00PM
Warren Town Hall – 50 Cemetery Road**

Present: **Chair:** Absent; **Vice Chair:** Cynthia Shook; **Members:** Nancy Binns, John Favreau, Tom Caldwell
 Inland Wetlands Enforcement Officer: Absent
 Land Use Secretary: Brenda Zampaglione
 Alternate: Tom Caldwell
 Absent: Darin Willenbrock, Keith Jewell, Nora Hulton

1. CALL TO ORDER AND DESIGNATION OF ALTERNATES

- a. The regular meeting was called to order at 7:02PM by Vice Chair Shook. The proceedings were recorded digitally, and copies are available in the Land Use Office. All Regular members were seated for the meeting. Tom Caldwell was seated as an Alternate member for Nora Hulton.

2. PUBLIC HEARINGS

- a. None

3. APPROVAL OF MINUTES

- a. August 22, 2019 Regular meeting

MOTION: Mr. Favreau, 2nd Mr. Caldwell to **APPROVE** the **MINUTES** of the **August 22, 2019** Regular meeting; **UNANIMOUSLY APPROVED**

4. OLD BUSINESS

- a. **David Diwick for Cedar Creek Farm, LLC, 127 Cornwall Road (Assessor's Map 28, Lot 6) AFTER-THE-FACT** – Dredging and Enlargement of Existing Pond, Earthwork in the Regulated Area – **LETTER OF DEMAND**

Ms. Sefcik explained the Dredging and Earthwork done to enlarge an existing pond in a Regulated Area that was done around the pond area in which Commission performed a Site Walk on August 8, 2019. At the last meeting on August 22, 2019, the Commission requested that a Letter of Demand be sent asking for details of a remediation plan as a requirement for restoration of the disturbed area. Ms. Sefcik sent the letter as requested and has not as of this meeting received a plan of restoration/remediation, it is still outstanding. The matter of David Diwick of Cedar Creek Farm, LLC, 127 Cornwall Road will remain on the agenda for next month.

5. NEW BUSINESS – RECEIVE AND DETERMINE SIGNIFICANCE

- a. **Scott Thyberg, 58 Mountain Road (Assessor's Map 28, Lot 6) – CEASE & DESIST Order**
– Tree Clearing and Earthwork done in a Regulated Area Without Permits

Ms. Sefcik distributed photographs taken by her to the Commission and reminded the Commissioners that Ex-Officio member, First Selectman Nelson had done a site visit of this property. A GIS map was also distributed for perusal. Ms. Sefcik stated that by her estimation, Earthwork had been done within 100' of wetlands and demonstrated that for the Commissioners on the maps provided.

Mr. Thyberg did not understand the regulation related to watercourses and apologized to the Commission for his lack of understanding. Very old dead and dying trees near the stream were being removed, leaving the flush cut stumps to prevent further erosion. Adjacent to the main watercourse is a gully that was full of mud; Mr. Thyberg had rocks placed in the gully to help in stabilizing the area permanently. The Remediation Plan is to plant grass seed in the disturbed area, no other trees will be

removed. Water loving species will also be planted, i.e., Weeping Willow or River Birch trees near the stream edge to replace the dead/dying trees that were removed. Where the ground is exposed a silt fence will be installed until the grass comes in. An **AFTER-THE-FACT** application needs to be filled out and permitted. A property site map was requested by Commission member Favreau to show what has been done including measurements, and what will be done to remediate the work that has been done. Seeding of exposed soil can be done now. Stabilization or plantings should wait until a permit is acquired.

Ms. Sefcik read a letter received from Mr. Thyberg dated 9/26/19 into the record, which included a remediation plan.

MOTION: Mr. Favreau, 2nd Mr. Caldwell to **ACCEPT** the **REMEDATION PLAN** as submitted by Mr. Thyberg and **CONTINUE** the **SHOW/CAUSE HEARING** until the next IWC meeting on **October 24, 2019** and after a site visit is done by Ex-Officio member First Selectman Nelson whereupon the completed work will be presented and a determination will be made; **UNANIMOUSLY APPROVED**

6. CORRESPONDENCE

- a) CACIWIC Annual Meeting will be held on November 23, 2019, advanced registration is required. Ms. Sefcik will forward email to Secretary Zampaglione, who will send an email notice to Commissioners.

7. INLAND WETLANDS ENFORCEMENT OFFICER'S REPORT

No written report available at this time. Ms. Sefcik gave a verbal report to the Commissioners. An update on two of the three Enforcement activities discussed at the last meeting on Brick School Road and Woodville Road were discussed.

Brick School Road (Assessor's Map 32 Lot 33) - Ms. Sefcik informed the Commission that work had been done by a spring house on the property. Ms. Sefcik informed the Commission that Ex-Officio member, First Selectman Nelson was to do the site visit and to speak to the property owner. As of this time, the outcome was unknown by Ms. Sefcik.

15 Woodville Road (Assessor's Map 13 Lot 36) –No application or communication has been received as of yet. If no response is received for the 2nd Notice of Violation that was sent, there will be an escalation to a **SHOW/CAUSE HEARING**. Ms. Sefcik stated that she sent a 2nd NOV to the property owner and the contractor who did the work. Neither the property owner nor the contractor has responded to the letter as of this meeting. This matter will be tabled until the October 24, 2019 meeting.

8. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION

- a. Mr. Favreau was ruminating as to how to get Warren residents to be aware of the regulations of the Town of Warren for Inland Wetlands Commission. It seems that there are some residents who are just not aware of regulations and permitting and also of repeat offenders of contractors who know that there are regulations but do not follow up on the permitting process. A suggestion was made that a notice be placed in the Warren Newsletter (this has been done previously), place a letter from the BOS that can be included in a packet of information when a deed changes hands or ownerships changes, send a letter to all contractors in town reminding them of the permitting requirements. A citation ordinance should be created so that violators can be fined to make them more accountable per Ms. Sefcik. There is no accountability at this time for a violation. A citation ordinance would need to go before a town meeting. Contractor names can also be listed in the agendas, minutes and ZEO Reports of IWC meetings to keep a record of violations so that residents hiring them will know that they are offenders of the Town of Warren regulations. The common contractor offenders are excavators, tree work companies and trucking companies per Ms. Sefcik and

most do know the regulations requirements for a permit. This discussion was tabled for further action by the Commission at a later date.

9. ADJOURNMENT

MOTION: Mr. Favreau, 2nd Mr. Caldwell **ADJOURN** the meeting at 7:37PM;
UNANIMOUSLY APPROVED.

Respectfully submitted,

Brenda Zampaglione

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Land Use Secretary