

Town of Warren  
**INLAND WETLANDS AND CONSERVATION COMMISSION**  
Regular Meeting – Minutes  
**Thursday, July 28, 2016 – 7:00PM**  
Warren Town Hall – 50 Cemetery Road

**CALL TO ORDER AND DESIGNATION OF ALTERNATES.** The meeting was called to order at 7:00 p.m. Mr. Favreau was seated for Ms. Blocker.

**APPROVAL OF MINUTES.** Mr. Favreau made a MOTION to approve the minutes of the June 23, 2016 Regular Meeting of the Commission. Ms. Hulton SECONDED; the minutes were APPROVED.

Mr. Favreau MOVED to approve the Minutes of the June 29, 2016 public hearing and special meeting with a correction to page 2, paragraph 1, beginning at line 2. The numerical correction is underlined as follows: "...lists the address as 212 North Shore Road. Mr. Szymanski said that this data was in fact for 121 North Shore Road." Ms. Hulton SECONDED the approval with correction; all were in favor; the motion CARRIED.

The **PENDING APPLICATION** of Arthur Howland & Associates, PC for Corinne Green and Renee Stewart at 121 North Shore Road to tear down and rebuild a single family dwelling and garage; to construct an in-ground pool; to replace the well and septic systems in the regulated area; to pipe an intermittent watercourse; to relocate the driveway with a wetlands crossing; and to construct stairs at the shoreline was announced by Chairman Jewell. Town environmental consultant Mr. Michael Klein's letter, dated Wednesday, July 27, 2016 was reviewed by Ms. Sefčík, with special attention to content addressing questions and concerns that the Commission had posed at the last meeting.

Chairman Jewell asked each Commissioner in turn his or her general inclination. Ms. Hulton said that she believed that the information received, notwithstanding the information newly presented in Mr. Klein's latest letter, had been satisfactory. Mr. Favreau felt that the concerns raised by the Commission had been robustly addressed. Vice Chair Shook remained deeply concerned over the size and scale of the project vis-à-vis the fragility of this particular piece of property.

The Chairman requested that the list of ten conditions for approval proposed by the Commission from the last meeting and subsequently drafted by the Town's Legal Counsel<sup>1</sup> (hereinafter, the "List of Conditions") be distributed. It was suggested that each of the conditions be considered in order of their appearance.

The first condition was discussed at length. Ms. Sefčík had italicized two portions of the paragraph, indicating points of continued discussion. The two revolved around (1) the size of the Conservation Easement; and (2) the nature of the demarcation of same. After much deliberation on both issues with efforts by Commissioners to weigh the implications of the proposed actions, Condition One was held until the rest of the List of Conditions had been discussed.

Condition Two, with regard to the wetland mitigation planting, maintenance and monitoring plan was also discussed at length. Clarifications were made and concerns were assuaged with regard to the Commission's ability to assess protracted compliance. Each member was asked for his or her vote. Ms. Shook approved of the language drafted by the attorney; Ms. Hulton was in favor of the Condition as worded; Mr. Favreau stated that he wished to defer to the attorney; and Chairman Jewell agreed with the language.

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<sup>1</sup> This List of Conditions, as with all documents mentioned herein, is available for inspection in the Land Use Office of the Town of Warren at 50 Cemetery Road, Warren, Connecticut during regular business hours.

Condition Three was read aloud, discussed, and the actions called for therein, reiterated and clarified. Mr. Favreau objected to the adjective “stand-alone,” which referred to a measure of ongoing mitigation success that, for Mr. Favreau, was too narrow. The descriptor was deleted from the condition with concurrence from the other Commissioners. All were in favor of the condition as amended.

Condition Four was agreed upon, save that the last line, “by the Commission’s Consultants,” be changed to repeat language used in Condition Two, “by the Agency or its consultant.” Mr. Favreau spotted the incongruity in language asking Ms. Sefčík for clarification on the difference between references to the “Agency” and the “Commission.” The two terms were often used interchangeably, stated Ms. Sefčík.

Conditions Five and Six, regarding scheduling of earthworks and the requirement of an as-built, respectively, were satisfactory to all Commissioners.

Condition Seven with regard to a diversion berm and its purpose “to route runoff from *the north*” incited significant confusion [italics added]. Much discussion ensued until it was noted that compliance with the Condition was to be under the auspices of the Town’s Engineer, a contracted professional upon whose discretion the Commission could rely. All were then in favor of the Condition.

Conditions Eight, Nine, and Ten were approved. Eight involved provisions to prevent runoff along the easterly boundary; Nine required that fees pursuant to the Commission’s Schedule of Fees effective November 8, 2010 be paid; and Ten stated that all conditions taken as a whole must be met in order to adequately mitigate the impact on any wetlands or watercourse.

Chairman Jewell re-introduced Condition One for discussion. After revisiting earlier concerns, re-clarifying certain language, and deliberating further, the language was changed such that (1) the conservation easement would be defined as “the areas indicated on the plan of June 29, 2016 in green hatch marks,” and (2) that the identifying features would include an option of “placing iron pins every 30 feet with a delineating feature, such as plastic markers.”

A MOTION to approve the application with the conditions as were to be read into the record by Ms. Sefčík was made by Ms. Hulton. Ms. Sefčík read the List of Conditions as amended into the record and Mr. Favreau SECONDED the motion. A vote was taken. Mr. Favreau, Ms. Hulton, and Mr. Jewell were in favor; Ms. Shook abstained from the vote. The motion CARRIED.

A **NEW APPLICATION** requesting a declaratory ruling by Mr. John Angevine, who presented himself at the meeting for Angevine Farm, LLC at 45 Angevine Road, to clean out drainage ditches surrounding farm fields was approved after a description of the project was delivered to the Commission by Ms. Sefčík. Vice Chairperson Shook made the MOTION to approve the declaratory ruling, Mr. Favreau SECONDED, and favorable votes were unanimous.

**OTHER BUSINESS PROPER** before the Commission was a discussion of, and possible action on a document called, Beach Maintenance: *Best Management Practices*. The matter was tabled.

Ms. Shook made a MOTION to adjourn the meeting at 8:41 p.m. until 7:00 p.m. on Thursday, August 25<sup>th</sup>, 2016. Ms. Hulton SECONDED; the motion CARRIED.

Respectfully submitted,



Richelle Hodža  
Recording Secretary