

Town of Warren  
INLAND WETLANDS AND CONSERVATION COMMISSION  
Public Hearing and Special Meeting – Minutes  
Wednesday, June 29, 2016 – 7:00PM  
Warren Town Hall – 50 Cemetery Road

**PRESENT** were Chairman Keith Jewell; Vice Chairwoman Cynthia Shook, Members Nancy Binns and Nora Hulton as well as Alternates Thomas Caldwell and John Favreau. Enforcement Officer Stacey Sefčík and Recording Secretary Richelle Hodža were also present. Member Dawn Blocker and Alternate Darin Willenbrock were absent.

**CALL TO ORDER AND DESIGNATION OF ALTERNATES.** The meeting was called to order at 7:03 p.m. by Chairman Jewell. Mr. Caldwell was seated for Ms. Blocker.

**PUBLIC HEARINGS CONTINUED**

Arthur Howland & Associates, PC for owners of record **Corinne B. Green and Renée B. Stewart, 121 North Shore Road** – Tear down and rebuild of single family dwelling and garage, construction of in-ground pool, replace well and septic system in the regulated area; piping of intermittent watercourse; relocation of driveway with wetlands crossing; and construction of stairs at shoreline. (Public Hearing Opened March 24, 2016).

Mr. Paul Szymanski presented another revised Site Development plan for the subject property and referred to his 14-page letter (erroneously dated June 23, 2016) prepared the day of this hearing (June 29, 2016). The letter, which was addressed to Ms. Sefčík and included two appended tables, was in response to Mr. Michael S. Klein's latest letter also dated June 29. The 6/29 Szymanski letter included all of Mr. Klein's written plan comments and findings, as well as Mr. Szymanski's responses to date, beginning with Mr. Klein's initial comments of April 16, 2016. Mr. Klein, Principal, of Environmental Planning Services, LLC, is the Town's environmental reviewer on this project.

Mr. Szymanski read and explained his responses to each of Mr. Klein's items, pointing to the plan where illustration might aid understanding. Mr. Szymanski had Mr. Richard Rosiello, landscape designer, address item 5. Mr. Rosiello presented a copy of his résumé to the Commission stating that, although he was not a wetland scientist, soil scientist, or biologist, as Mr. Klein recommended for rain garden installation, his education, including certification from the New York Botanical Gardens as a landscape designer and from the Connecticut Nursery & Landscape Association as a Certified Accredited Nursery Professional (CANP), along with his experience qualified him to install the plantings in the rain gardens.

Mr. Szymanski resumed, referring to his letter and the site development plan. Among other things, he spoke of the percolation tests performed by his in-house soil scientist Spencer Myles, who found an infiltration rate of between 20 and 27 minutes per inch. A table titled "Soil Observation Pits and Percolation Tests Results" was attached to the Szymanski 6/29

letter. (A Commission member asked for clarification on the address, as it erroneously lists the address as 212 North Shore Road. Mr. Szymanski said that this data was in fact for 212 North Shore Road.)

Item 9 was responded to by the addition of a silt fence. Mr. Szymanski was amenable to Mr. Klein's recommendation to extend the limitation on time of year for work from Spring through May 15; however, he asked for re-evaluation of these calendar limits by the Commission contemporaneously with actual construction, since weather and associated groundwater levels are variable.

Mr. Szymanski continued reading and addressing each item, clarifying his responses as he went along. Among other things, he stated that, in reference to item 12, he himself re-calculated the square foot measurements and found them to be correct. Mr. Rosiello discussed seed mixes at some length explaining their composition and their fully appropriate use in creating a suitable and viable planted area, so long as preparation for their cultivation is done properly. Ms. Sefcik stated that Mr. Klein was after something more specific regarding the plantings and their density in item 12. Mr. Szymanski stated that such specificity – further to what has been provided both in the letter and on the plan – cannot be provided at this early stage. Mr. Favreau wanted clarification on the absorption capacity of trees versus that of the plants used in the mixes. The Commission was referred to the revised planting schedule directly on the Site Plan.

Mr. Szymanski next addressed the first item in the section of the letter titled "General Comments." He referred to the table attached at the back of the letter titled "Comparison of Alternatives," to explain his view of proposed wetlands mitigation.

Regarding item 2 in the same section, Mr. Szymanski referred to Mr. Stephen Trinkaus's alternative configuration of the house suggested at the last meeting, stating that such an alternative would "severely limit the societal/economic benefits of purchasing a property on the Lake." He emphasized that it was the precisely the views and the exclusivity created by the existence of the lake, and the rarity of such properties, which caused his clients to seek an appropriately sized and sited residence there; no prudent alternative was observable.

Mr. Szymanski continued on, clarifying and referring to the drawing. He addressed addition concerns of Mr. Klein especially in item 9 on page 9 regarding the proposed conservation easement and the monitoring and maintaining of same. Among other statements, Mr. Szymanski said that to the list of qualified professionals (note 7 of item 9), "landscape professionals" should be added. Regarding notes 10 and 11, Mr. Szymanski directed the Commission to the Site Plan, which had been revised. He also produced a document titled "Invasive Species Removal Plan," to support note 12. With regard to a question by Ms. Sefcik repeating Mr. Klein's recommendation of a stone wall or split rail fence to provide a visual limit for the conservation area, Mr. Szymanski stated that his clients agreed to iron pins; but that an architectural delimiter would be aesthetically displeasing, adding that installation of any of these architectural features would require

additional disturbance. Mr. Szymanski said his clients would agree to a bond, providing it was a reasonable amount.

Regarding several “New Klein Comments” beginning on page 12, Mr. Szymanski confirmed that rain gardens A, B, and C had been removed altogether and that rain garden D was detailed on the Site Plan. He also denied that water would act the way Mr. Klein and Mr. Parsons claimed it would. He emphasized that drains are not proposed *by design*; rather, the proposed variation of grades will direct the flow of water.

At the end of his reading and explanation of the written comments in the letter, Mr. Szymanski restated his clients’ commitment to a conservation easement, but that the legalese had yet not been drafted.

At 8:08 p.m., Chairman Jewell opened the hearing to the public. Ms. Regan Palmer asked to be recognized and wanted to know whether the percolation tests had been submitted to the Commission. Mr. Szymanski confirmed that they had been referring to the data attached to the June 29<sup>th</sup> letter.

Mr. Szymanski requested permission to read an email addressed to the Commission from Attorney Peppers representing the interests of 135 North Shore Road. Mr. Peppers wrote that he had had his questions answered sufficiently.

Ms. Palmer wanted clarification on the parking areas and the calculations of the length of the vegetated buffer. Mr. Szymanski referred back to his letter. Mr. Timothy Palmer read a letter he had prepared and submitted it to Ms. Sefčik for the files. Mr. Szymanski addressed the concern of runoff raised and offered to remove the existing swale in the northeast corner of the subject property. Mr. Rosiello addressed the need to remove invasive species from the buffer. At 8:22, Ms. Corinne Green, one of the property owners, asked to read her letter into the record. She did so, adding that she wished for a decision from the Commission tonight. Mr. Szymanski concluded that his clients have addressed every reasonable request with regard to the project to date.

Ms. Binns wanted to know who would monitor the plans in the future. Mr. Szymanski stated that a silt fence with a 3-foot wing at 20 foot intervals could be installed. Chairman Jewell asked for final comments.

Ms. Shook **MOVED** to close the public hearing at 8:31 p.m. Ms. Hulton **SECONDED**; all were in favor, the motion **CARRIED**.

## **PENDING APPLICATIONS**

Arthur Howland & Associates, PC for **Corinne Green and Renée Stewart, 121 North Shore Road** – Tear down and rebuild of single family dwelling and garage, construction of in-ground pool, replace well and septic system in the regulated area; piping of intermittent watercourse; relocation of driveway with wetlands crossing; and construction of stairs at shoreline.

Ms. Shook, Ms. Hulton, Mr. Caldwell, Ms. Binns, and Chairman Jewell were present and able to act. Mr. Favreau was not needed as alternate, but remained present. Ms. Sefčik and Ms. Hodža were also present.

Ms. Sefčik reviewed the options available to the Commission and identified the time limitations, noting that the Commission had 35 days remaining on this application. Ms. Shook noted that much needed to be digested and discuss, as new information had just been presented to them tonight. Ms. Binns felt that enough information had been received. Ms. Hulton wanted to proceed immediately with a discussion of what had just been heard. Mr. Caldwell spoke about a bond and the importance of obtaining one in the proper amount. Chairman Jewell reiterated the duties of the commission according to statues and regulations, reminding the commission to put aside any feelings, whether they be of sympathy or discomfort. Commissioners went around again on the issues of receipt of new information, specialized level of technical details presented, ramifications of placing conditions on approval, bonds and amounts, awaiting responses to the new information from the Town attorney and Mr. Klein, specific language of a conservations easement, as-built demands, scheduling, and similar issues.

Ms. Shook made a **MOTION** to hold a **Special Meeting on Thursday, July 14 at 7:00 p.m.** Ms. Hulton **SECONDED**. Keith Jewell, Tom Caldwell, Nora Hulton, and Nancy Shook were in Favor. Ms. Binns was opposed. The motion **CARRIED**.

The Commission noted that, should they grant the application, certain conditions would need to be in place, namely, a bond on performance, which would require an estimate of the cost of work from the Town's engineer; language of the conservation easement needed to be reviewed including iron pins and as-built plans; periods of work that were permissible related to weather; review of possible benefits of removing the northeastern swale; and a silt fence with wings. They also wanted an as-built microtopographic plan (of blue shaded area) vis-à-vis the Palmers' property showing no water flowing onto same; information with regard to different kinds of seed mixes, planting schedule, verbiage on the plan itself as well as that regarding item 12, page 5 of 14 pages, of the 6/29 Szymanski letter.

Mr. Favreau suggested receiving from Mr. Klein a rating of severity of each problem noted by Mr. Klein in order for the Commission get a better sense of overall ill effects on the lake, neighboring properties, and the environment.

A **MOTION** to close the meeting was made by Ms. Binns at 9:24 p.m. Ms. Shook **SECONDED**. The motion carried unanimously.

Respectfully Submitted,



Richelle Hodža  
Recording Secretary