

Town of Warren Inland Wetlands and Conservation Commission
Minutes of the Special Meeting on Tuesday, July 25, 2023

The meeting was called to order at 6:00 pm by Chair John Favreau. Members present were Cindy Shook, Tara Tanner, Tom Caldwell and Nancy Binns. Absent was alternate Kit Lundberg. Janell Mullen was present as the Town of Warren land-use official. Public attendees included Sara Brandon of 67 Rabbit Hill Road, Brian Neff, Dave Schneiderbeck of 17 Cunningham Road, and Terry Shook of 37 Brick School Road.

Item #2 on the agenda was the meeting minutes of June 15th, 2023. Cindy Shook moved to approve them as written. Tom Caldwell seconded the motion. The motion passed unanimously.

Item #3a was a new application for IWA #23-07-01 which was for an after-the-fact footbridge at 35 Kent Road. The applicant David Scheiderbeck presented the application on behalf of the property owner Farnaz Karimi. He explained that he had been tasked with cutting back overgrowth and re-establishing foot trails on the property. One part of the trail crossed a stream as indicated on the site plan that accompanied the application.

Chair John Favreau stated that he, the land-use officer, and the applicant had taken a site walk on June 13th to observe the work that had been conducted on-site. They had observed a footbridge consisting of pressure treated wood. The applicant stated that the wood has been repurposed from old decking. He stated that he had been made aware of the regulations and would switch out the wood materials so that the footbridge would be of non-toxic elements. He planned to replace the deck with natural logs that would not be affixed to anything. Chair Favreau also stated for the record that the work seemed to trail maintenance in nature. Janell Mullen, wetlands enforcement officer, added that this work had been brought to her attention by an inquiry from an adjacent property owner.

Cindy Shook made a motion to receive and accept the application as presented. Nancy Binns seconded the motion on the floor. The motion to receive the application on July 25, 2023 passed unanimously.

Item #3b was a new application for 67 Rabbit Hill Road- after-the-fact culvert installation in an intermittent stream. Brian Neff, PE approached the Commission to summarize the extent of the work that had taken place in the intermittent stream and adjacent upland review area on behalf of the property owner, Sara Brandon. He stated that the property is five (5) acres in size and that there is an intermittent stream on the property in which a culvert was situated. The work that was performed without a permit involved the replacement of a damaged, aged steel pipe with a plastic pipe 30" in diameter. He stated that the pipe did hold out during the recent significant rain event, which could support the fact that it had been installed properly.

Sara Brandon, property owner, interjected to add that the excavator on site (Jason Martinelli of Sunshine Excavation) did not dig beneath the pipe that had been installed. She had indicated to him that the work was to be "maintenance" and was unclear that she was not given the go ahead to proceed by the Town at the time that the work had been performed.

Chairman John Favreau asked the engineer about the slope of the driveway. Brian Neff responded that the driveway is not drastically sloped. He further added that the plan indicates the

incorporation of a bioswale along the east side of the driveway to help channel stormwater/site drainage.

Chair John Favreau suggested that the Commission conduct a site walk to better see the configuration of the intermittent watercourse with respects to the rest of the project site.

Tara Tanner moved to receive and accept the application as presented. Cindy Shook seconded the motion to receive the application. The motion to receive the application on July 25, 2023 passed unanimously.

Nancy Binns moved to set a site walk for July 31, 2023 at 6 pm. The motion was seconded by Tara Tanner and the motion to set the site walk for July 31st at 6 pm passed unanimously.

Janell Mullen stated that the site walk would be open to the public and that an agenda for the IWC Site Walk would be officially posted.

The next item on the agenda 4a Jurisdictional Ruling- 37 Brick School Road. Chair John Favreau turned to Janell Mullen, WEO who stated that she had reached out to DEEP on numerous occasions to inquire about the process for the state agency to receive and review an application. She had corresponded with Darcy Winther, Supervising Environmental Analyst about jurisdictional rulings. Janell Mullen distributed a pamphlet entitled “Agriculture, Forestry, & Connecticut’s Inland Wetlands and Watercourse Act” as provided to assist the Commission with future jurisdictional rulings. For the matter at hand involving 37 Brick School Road, Janell Mullen stated that she had placed a call to the Town’s Land Use counsel since the was record of court appeal and a preceeding application which complicated the matter and set it apart from a standard jurisdictional ruling. She told the Commission that she would further update them as she received information from counsel and DEEP.

The next item #5 was Agent’s Report, again the Chair John Favreau turned the floor over to Janell Mullen, WEO. She presented her report and mentioned that she had been conducted numerous “spot checks” and town-wide drive-bys due to the numerous significant rain events during the month. She also revisited the projects that were underway/recently broken ground involving wetland licenses such as: 159 No. Shore Road, 13 Sunset Lake Road, 85 Curtiss Road, 40 Arrowpoint, Kent Road & Brick School Road (Plumb-Kickles, LLC site). She stated that she would not be passing along the numerous/voluminous construction progress reports from each site but would always be available to answer questions from the Commission and the public. Chairman John Favreau asked that she add the dredging project, located at 358 Lake Road to her wetlands report until that project had fully concluded. She agreed. She also stated that the bonds that the IWC Commission is holding were added to the report so that the Commission were aware of them.

No members of the public cared to speak during the public comment period.

Tara Tanner moved to adjourn at 6:48 pm. Nancy Binns seconded the motion. The motion passed unanimously.

Respectfully submitted,

Janell Mullen dated July 29th, 2023