

**Town of Warren Inland Wetlands & Conservation Commission
Regular Meeting – Minutes
Monday, September 8, 2014 - 7:00PM
Warren Town Hall – 50 Cemetery Road**

PRESENT: Chairman Keith Jewell, Nora Hulton, Cindy Shook, Dawn Blocker; Alternate Darrin Willenbrock; Stacey Sefcik, Inland Wetlands Enforcement Officer.
EXCUSED: Nancy Binns.

1. CALL TO ORDER AND DESIGNATION OF ALTERNATES.

The regular meeting was called to order at 7:05PM. The proceedings were recorded digitally, and copies are available in the Land Use Office. Alternate Darrin Willenbrock was seated for Nancy Binns.

2. APPROVAL OF MINUTES:

A. August 11, 2014 regular meeting.

MOTION Ms. Blocker, second Mr. Willenbrock, to accept the minutes of the August 11, 2014 regular meeting as written; unanimously approved.

3. PENDING APPLICATIONS:

A. Mike Guadagno, 31 Arrow Point Road – Expansion of Shoreline Deck & Construction of Stone Wall.

Ms. Sefcik informed the Commission that Mr. Guadagno had submitted a request via email for a continuance of this application to the October 14, 2014 regular meeting. She explained that he had requested a continuance as he was seeking input from the Northwest Conservation District regarding ways to address stormwater runoff from his property, and additional time was needed to obtain this report.

The Commission agreed to continue this matter to the October 14, 2014 regular meeting.

B. Brian Neff, PE for SMR Partners, LLC, 71 Couch Road – Construction of Driveway in the Regulated Area.

Noting that the applicant's representative was not present at the meeting, the Commission agreed to table this matter until his arrival.

C. Dirk Sabin for William Warshaw, 139 North Shore Road – Landscaping at Shoreline to Include Selective Thinning of Trees & Invasive Shrubs and Planting of Native Vegetation.

Dirk Sabin, landscape architect and environmental planner, addressed the Commission regarding this matter. Mr. Sabin explained that most of the proposed work would be done during the winter when the lake was frozen. However, the tree that had fallen into the lake would have to be removed prior to the winter. Mr. Jewell questioned how the trees would be removed from the area, and Mr. Sabin explained that the trees would be cut in segments and winched to the roadside; this was also why the work would be performed during the winter, as there would be less traffic along North Shore Road. Mr. Sabin stated that the burning bush along the roadside would also be removed during the winter. He expressed willingness to put up any sedimentation and erosion controls the Commission felt were necessary; however, he noted that they would be removing burning bush and immediately planting the native replacements and stabilizing. He anticipated this work would take only a few days to complete. Fescue and hay would be put down to aid stabilization. Mr. Sabin then briefly explained the bio-log proposed by the gazebo area; the logs were filled with coconut fiber and would be used to stabilize the shoreline below the gazebo area. The logs would erode very slowly over time.

MOTION Mr. Willenbrock, second Ms. Hulton, to grant the requested permit in the matter of **Dirk Sabin for William Warshaw, 139 North Shore Road – Landscaping at Shoreline to Include Selective Thinning of Trees & Invasive Shrubs and Planting of Native Vegetation;** unanimously approved.

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D. Sergio Villaschi, 83 Town Hill Road – Construct 16' x 10' Addition to Existing Shed in the Regulated Area.

The Commission briefly reviewed the application and sketches submitted by Mr. Villaschi. They also reviewed pictures of the site depicting the location of the proposed shed addition in relation to the pond onsite. Ms. Sefcik noted that the area near the pond was very flat and the location of the proposed addition currently was covered with a gravel pad where small equipment was parked. She noted that the small pond had a high berm most of the way around it, so it was actually at a slightly higher elevation than the area where the addition was located. Mr. Villaschi stated that he planned to dig holes for the six piers by hand; however, he might need to use a small excavator if he encountered rock. He also explained that he would be installing silt fence as a precaution between the work area and the pond in the one small area where there was not a berm.

MOTION Ms. Blocker, second Ms. Hulton, to grant the requested permit in the matter of **Sergio Villaschi, 83 Town Hill Road – Construct 16' x 10' Addition to Existing Shed in the Regulated Area;** unanimously approved.

E. Burlington Construction Co. for John & Nancy Newton, 157 Woodville Road – Construct Addition to Barn/Studio in Upland Review Area.

Rod Oneglia of Burlington Construction Company addressed the Commission on behalf of the applicants. Mr. Oneglia briefly reviewed the plans with the Commission, explaining that the applicants proposed to construct a 24' x 30' addition to an existing barn onsite. The barn was being used as a studio. He explained that the addition would be built in a relatively flat area of the property approximately 50 feet from the wetlands and an onsite pond. The foundation would be slab-on-grade. Ms. Sefcik stated that she had visited the site and did not have any concerns about this project. She noted that two larger trees would be removed as a part of the work, and Mr. Newton stated that the trees were sick and dying.

MOTION Ms. Blocker, second Ms. Hulton, to grant the requested permit in the matter of **Burlington Construction Co. for John & Nancy Newton, 157 Woodville Road – Construct Addition to Barn/Studio in Upland Review Area;** unanimously approved.

4. NEW APPLICATIONS (Receive and Determine Significance):

A. Terry and Cindy Shook, 37 Brick School Road – Construction of Driveway in the Regulated Area.

Cindy Shook recused herself and left the meeting table at 7:27PM. Terry Shook addressed the Commission regarding this matter. Mr. Shook explained that they wished to construct a driveway onto the site for the purpose of accessing their horse pasture to bring in hay and make veterinarian visits easier. Ms. Sefcik explained that the property was created through a 2-lot subdivision in the 1990s, approved by the Inland Wetlands Commission, although the proposed houses had never been built. That approval had called for a shared driveway to minimize wetlands impact as the driveway would be crossing wetlands at the front of the property. The Commission reviewed maps of the wetlands on the site. Ms. Sefcik explained that the driveway would not be as long as that indicated on the original subdivision approval; it would stop at the point where the driveways split. She stated that she had walked the site with Mr. and Mrs. Shook in order to see the proposed location for the driveway, and she noted that the area was very flat but very wet.

Mr. Shook explained that the driveway would be approximately 175-200 feet long. At most 60 yards of material would be brought onto the site for the project. However, he noted that this estimate was made when he planned to install 6 inches of base material. He had since decided

to install only 3" of material; due to the wetness of the site he did not wish to dig down too deeply.

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Ms. Sefcik explained that Mr. Shook had obtained a wetlands permit in 2008 to build a horse ring and install a drainage pipe across what is now proposed for the driveway; the permit was still valid and the work would be done at the same time as the work to construct the proposed driveway. Mr. Shook stated that he planned to install a 10"-12" ADS pipe underneath the proposed driveway and outleting into the pond. Mr. Shook stated that the driveway would be topped with bank-run gravel. The Commission reviewed a sketch of the proposed driveway provided by the applicant. They then requested a cross-section showing how the driveway would be constructed.

MOTION Ms. Blocker, second Mr. Jewell, to receive the application in the matter of **Terry and Cindy Shook, 37 Brick School Road – Construction of Driveway in the Regulated Area**; unanimously approved.

MOTION Mr. Willenbrock, second Ms. Blocker, to accept the application in the matter of **Terry and Cindy Shook, 37 Brick School Road – Construction of Driveway in the Regulated Area**; unanimously approved.

At 7:37PM, Cindy Shook resumed her seat at the meeting table and was seated for the remainder of the meeting.

B. REQUEST FOR DECLARATORY RULING: David Wilson, PE for David Robinson, 211 North Shore Road – Construction of ½-acre Farm Pond.

David Wilson, PE, addressed the Commission regarding this matter. Mr. Wilson reviewed with the Commission maps and plans prepared for this project. He explained that the applicant proposed to excavate a 1/2-acre farm pond for the purpose of watering his cattle. Mr. Wilson explained that the applicant had recently done work on an existing farm pond in another pasture on the property; he now wished to create a pond in this pasture. Mr. Wilson submitted tax documents which stated that the property was recognized as a farm by the Town. He then briefly described the work proposed to create the emergency spillway as well as an outlet structure to be constructed near the road which would outlet to drainage along the road. Mr. Wilson explained that this structure would only be able to take the level of the pond down at most two feet. He stated that spoils removed from the area would be spread out on the property.

MOTION Ms. Blocker, second Ms. Shook, to determine that the activities proposed in the matter of **David Wilson, PE for David Robinson, 211 North Shore Road – Construction of ½-acre Farm Pond** represent a permitted use as of right under Section 4.1A of the Town of Warren Inland Wetlands Regulations; unanimously approved.

MOTION Ms. Hulton, second Ms. Blocker, to amend the agenda to add item 4C – Arthur Howland & Associates for DH Partners, LLC, 8 North Shore Road – Construction of Tennis Court in the Regulated Area; unanimously approved.

C. Arthur Howland & Associates for DH Partners, LLC, 8 North Shore Road – Construction of Tennis Court in the Regulated Area.

Paul Szymanski, PE, addressed the Commission regarding this matter. Mr. Szymanski explained that his office had done the soil report that had been requested for an enforcement action onsite earlier in the spring, and he submitted a copy of that report for the record. He explained that the new owners of the property wished to construct a tennis court behind the carriage house on the property, between the wetlands area and the pond/inlet to Lake Waramaug. The tennis court would be 55' x 113' and would be slightly below regulation size. The tennis court would be pitched slightly toward the pond. Ms. Sefcik explained that she had just received the application earlier that day and noted that the proposed tennis court would be

located within the setback area. Mr. Szymanski stated that the walls around the tennis court would be no higher than six feet, with the exception of a wall along the side closest to the carriage house.

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MOTION Ms. Shook, second Ms. Hulton, to receive the application in the matter of **Arthur Howland & Associates for DH Partners, LLC, 8 North Shore Road – Construction of Tennis Court in the Regulated Area**; unanimously approved.

MOTION Ms. Hulton, second Mr. Willenbrock, to accept the application in the matter of **Arthur Howland & Associates for DH Partners, LLC, 8 North Shore Road – Construction of Tennis Court in the Regulated Area**; unanimously approved.

5. INLAND WETLANDS ENFORCEMENT OFFICER'S REPORT.

The Commission reviewed the report prepared by Ms. Sefcik regarding her enforcement activities from August 12, 2014 through September 8, 2014.

Ms. Sefcik reminded the Commission that they had heard a Show Cause Hearing for activities performed without a permit at 8 North Shore Road, and they had agreed that if restoration work was not completed within two weeks of the issuance of the after-the-fact permit, then it was to be filed on the land records; this had ultimately been done. The property owner's contractor, Barry Burton, had then contacted Ms. Sefcik stating that the work had been completed. She had requested additional material to be removed, which was then also done. Ms. Sefcik stated she had been to the site last week and felt that the terms required by the Commission had been met. Deposited material had been removed, native greenery had been planted, and the area was stabilized. She therefore recommended that the Commission vote to release the enforcement action from the land records for 8 North Shore Road.

MOTION Ms. Shook, second Mr. Willenbrock, to lift the enforcement order and release it from the land records for 8 North Shore Road; unanimously approved.

6. CORRESPONDENCE.

No business was discussed.

7. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.

A. Informal Discussion with Tom McGowan of the Lake Waramaug Taskforce regarding Efforts to Eliminate Erosion into Sucker Brook and Lake Waramaug.

Tom McGowan of the Lake Waramaug Taskforce addressed the Commission regarding this matter. Mr. McGowan explained that Sucker Brook emptied out into Lake Waramaug, and over the years a sandbar had built up in Lake Waramaug at the outlet of Sucker Brook made up of materials eroded from locations along the brook. He explained that work had been done in 1985 to create a channel through this sandbar; however, it had since accumulated again and was filled in by 1999. The Taskforce this time commissioned the Northwest Conservation District to perform a study in order to ascertain where the material was originating in order to prevent the erosion into Sucker Brook in the first place. The Northwest Conservation District identified several locations along Sucker Brook, some of which were located along the portion of Sucker Brook that ran through the farm belonging to Roger Tanner. Mr. McGowan explained that not only was the material eroding into Sucker Brook and from there into the lake, but Mr. Tanner was also losing a great deal of farmland soil.

Mr. McGowan explained that Brian Neff, PE, had been hired to develop plans for restoration of the areas identified. Federal grants from the USDA had been explored as a possible funding source; however, there were several additional requirements that would be included as a condition of accepting the grant funds which would greatly increase the overall price. Therefore, at this time the Taskforce was considering simply paying for the work themselves with

cooperation from the property owners where the sites were located. Mr. McGowan explained that they were considering selecting one of the sites on the Tanner property that would be easiest to access as a first location to start the project, and he distributed copies of information provided by the Northwest Conservation District about this particular site.

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Mr. McGowan questioned whether the Commission would be willing to consider a project of this type to be eligible for a declaratory ruling under Section 4.1A or even Section 4.2A. He explained that the Taskforce would come before the Commission with engineered plans as they were ready to address each area of concern. The Commission reviewed the pertinent sections of the Inland Wetlands Regulations. They agreed that, subject to review of the plans for the proposed work, if what was proposed was related to a farm operation and the prevention of erosion of farmland soils, such activities could potentially be eligible for a declaratory ruling. Mr. McGowan stated that he anticipated having an application in for the first project within the next month or so.

3. PENDING APPLICATIONS:

B. Brian Neff, PE for SMR Partners, LLC, 71 Couch Road – Construction of Driveway in the Regulated Area.

Noting that the applicant's engineer had not yet arrived to the meeting, the Commission decided to proceed with discussion of this application. Ms. Sefcik stated that she had walked the driveway. She stated that she had some concerns with regarding the drainage improvements along the driveway; however, these were largely outside of the regulated area. For the area within the regulated area, Ms. Sefcik stated that she would recommend maintenance of the area along the driveway where the pipe was depicted, as the rip rap above the pipe was clogged with vegetation and downed tree branches. She also recommend additional armoring of the outlet of the pipe as there were exposed areas of soil between the large stones below the outlet that showed evidence of deep pitting. Ms. Sefcik noted that the proposed plan for relocating the driveway actually moved it slightly further from the wetlands, and Mr. Neff's plans depicted sedimentation and erosion control measures during construction.

MOTION Ms. Blocker, second Ms. Hulton, to approve the application in the matter of **Brian Neff, PE for SMR Partners, LLC, 71 Couch Road – Construction of Driveway in the Regulated Area** subject to the following conditions:

1. The riprapped area above the piping along the driveway must be maintained free of vegetation and tree branches.
2. Additional armoring of the outlet of the pipe is to be installed to the satisfaction of the Inland Wetlands Enforcement Officer.

The motion was unanimously approved.

MOTION Ms. Shook, second Ms. Blocker, to adjourn the meeting at 8:32PM; unanimously approved.

Respectfully submitted,

Stacey M. Sefcik,
Inland Wetlands Enforcement Officer