

Town of Warren
Conservation & Inland Wetlands Commission
50 Cemetery Rd
Warren, Connecticut Road
(860) 868 – 7881
landuse@warrenct.org

Thursday, October 28, 2021, commencing at 7:00pm
Lower-Level Meeting Room of Town Hall
Public Hearing and Regular Meeting Minutes

Public Hearing

1. Call to Order, Roll Call, Seating of Alternates

Chairman John Favreau called the meeting to order at 7:00 p.m. **PRESENT** Including the Chairman, Vice Chairwoman Cynthia Shook, Thomas Caldwell and Alternate Tara Tanner (seated for Nora Hulton).

ABSENT were Nora Hulton, Nancy Binns and Alternate Darin Willenbrock. Others present were members of the public in the meeting room and via zoom.

2. IWA #21-06-01 / 85 Curtiss Road, Assessor's Map 7, Lot 19 / Paul Szymanski, P.E. of Arthur H. Howland & Associates, P.C. for Davidson and Elizabeth Goldin / Proposed construction of a single-family home with related appurtenances including driveway, pool, spa, pergola septic well, demolition of existing house and capping of existing well. (Received by Commission 6/24/2021, Special Meeting/Site Walk 7/12; Public Hearing opened 7/22, Continued 8/26/21 (35); Continued 9/23, applicant granted written extensions of 65 days through 10/28, must close public hearing tonight).

Mr. Paul Szymanski, professional engineer, was present representing the applicants. Mr. Szymanski presented to the Commission a summary of what has been presented since June 2021 of all the proposed plans. [The application and all materials submitted for this plan are available on the Town's website at <https://www.warrenct.org/inland-wetlands-conservation>]

Mr. Szymanski reviewed the proposed plan for the 10/28/2021 meeting. The proposed plan included a pull off as requested from a zoning perspective. A detailed sedimentation and erosion control plan, information regarding the retaining wall, and information on where the blasting would occur. Where the processing of the material will occur and it will be incorporated throughout the site as the driveway base and the boulder retaining walls. Incorporating a curtain drain along Curtiss Road. A construction sequence as it will happen on the site.

Mr. Szymanski reviewed the project as well as the requests from the third- party engineer Mr. Parsons which were reviewed by Mr. Szymanski on October 18, 2021, and responded to Mr. Parsons on October 22, 2021. We submitted revised plans, which added the following alternatives, temporary sediment traps up gradient of each of the proposed rain gardens. Separate sheets detailing the sizing of those sediment traps in accordance with the 2002 guidelines for soil and sediment and erosion control. Added construction details monitoring for those sediment traps on when they should be emptied, as well as how they should be constructed. Moved the construction of the rain garden two, three and four earlier in the construction sequence at the request of Mr. Parsons so that they can establish vegetation by the time construction was

completed and they can operate fully functioning to allow stormwater to discharge into them. We also looked at the retaining wall, the rear of the site and change the way that the curtain drains behind the retaining wall functions so that it discharges into the rain garden.

Mr. Szymanski stated that on October 22, 2021 he received that Ms. Gildersleeve would be an intervener.

Mr. Szymanski stated that on October 25, 2021 we received Mr. Parsons 4th review. Requesting that we not use percolation rate but instead use fields permeability rate. We submitted showing no infiltration of the rain gardens in the second round of drainage calculations, which is extremely conservative. On October 26. We received sign off from Mr. Parsons stating that we had addressed all of his comments as it related to grading and erosion control and stormwater management.

Mr. Szymanski reviewed the contents of a letter written from Mr. Sean Hayden, The Executive Director – Lake Waramaug Task Force. Mr. Szymanski reviewed the concerns and comments throughout the letter and responded to each topic as it pertained to the plan he reviewed earlier, reviewing the rain gardens, stormwater management, no direct disturbances to the wetlands and drainage being installed. Mr. Szymanski also addressed the concern from Mr. Hayden regarding the notice of violation that Ms. Stacey Sefcik, Ms. Hodza's predecessor implemented years ago at 121 North Shore Rd project. Mr. Szymanski stated that as long as all erosion and sediment controls are followed this problem will not occur at 85 Curtiss Rd.

Mr. Szymanski stated that at the August 2021 meeting the contractor Mr. Brickett from Brickett Construction testified that he always makes sure the erosion controls are in place on all work sites.

Mr. Szymanski reviewed the blasting procedures and process as it will occur and also reminded the Commission that at the August meeting Mr. Dave D'Ambruoso, D'Ambruoso Blasting Company presented his plan as well.

Mr. Szymanski reviewed the agreement to do all the water monitoring and sampling for any wells within 500 feet of the blasting, both prior to and after the construction. Also, there's an agreement for a pre blasting survey.

Chairman Favreau asked; How many wells are within 500 and 1000 feet of this construction?

Mr. Szymanski is proposing that any property that's within 500 ft of the perimeter of the property will be sent a certified letter asking if they would like water sampling and monitoring of their wells and that the land owners have agreed to provide that.

Chairman Favreau asked, do you know how the current well is at the property? Mr. Szymanski's response, No.

Mr. Szymanski then introduced Mr. Russell J. Dirienzo- Licensed Environmental Professional who has been practicing for 35 years. Mr. Dirienzo reviewed his letter regarding Geological Survey and Opinion- 85 Curtiss Rd, addressed to the Chairman, and Warren Inland Wetlands and Watercourses Commission.

Chairman Favreau asked, did you test the water from the existing well on the property? Mr. Dirienzo stated. No.

Mr. Caldwell asked, what is the time line for this construction? Mr. Szymanski stated realistically this is a six-month construction process.

Ms. Hodza asked Mr. Dirienzo, the term crushed washed stone will be used, does that mean the stone has already been treated by the elements? Mr. Dirienzo stated that using crushed washed stone would not be a problem because the rock is not conducive to having things dissolved out of it.

Ms. Hodza asked Mr. Dirienzo if he is a hydrologist? Mr. Dirienzo stated yes, he is, he studied groundwater, and in order to understand groundwater, you have to understand geology.

Ms. Hodza stated that one of the prior questions was interesting, and it has the existing well been tested? Do you think that would be something that would give any kind of information pertaining to the water? Mr. Dirienzo stated that testing of the current well would be useful for the applicant because they would want to know if they have uranium, arsenic, or radon in their water in that area even though the existing well is not going to be used, it would be useful information for the applicant.

Mr. Szymanski gave a summary of his presentation during the current public hearing and concluded by inviting questions.

Chairman Favreau asked Mr. Szymanski to point out the upland review area and is there any way to move this particular activity to where the existing house is now? Mr. Szymanski stated it's not feasible, that area is significantly lesser than the proposed area, and this was not shown on any of the plans because its going to cause a significantly greater impact because the house would be significantly closer than we are proposing.

Ms. Hodza asked, what was the slope generally at 121 North Shore Rd, as opposed to 85 Curtiss Rd? Mr. Szymanski stated it was less steep and he couldn't give an exact because he does not have the plan in front of him at this time for 121 North Shore Rd, and that at 85 Curtiss Rd. it is substantially wooded, and has extremely well vegetated buffers to the resource which did not exist on 121 North Shore Rd.

Chairman Favreau asked Attorney Janet Brooks for any questions or comments. Attorney Janet Brooks who's representing Elizabeth Gildersleeve, came forward and presented her legal memo that she had written to the Commission addressing concerns she has regarding this application being incomplete. [This memo can be found on the Town's website at <https://www.warrenct.org/inland-wetlands-conservation>]

Chairman Favreau asked Ms. Hodza to read the letter from Mr. Todd Parsons, the third-party engineer, received on October 26, 2021 at 2:25 pm in to the record.

Chairman Favreau opened the meeting to members of the public, requesting comments first from those who were present in person and then those via zoom.

Ms. Hodza first informed the Commission and the public that she has received a petition with 61 signatures requesting that the application be denied.

Ms. Hodza, Ms. Shook and Chairman Favreau read multiple letters from the public for the record that were send to the Land Use Officer regarding concerns for the 85 Curtiss Rd application.

Ms. Katie Zero- 52 Mountain Lake Rd, stated her concern with the blasting and the impact it may cause on the only road that accesses her home on Mt. Lake Rd. Mr. Zero also stated that this property has been for sale multiple times and at one point a previous owner had cut down a lot of trees to clear the land. This property was used for a three-season enjoyment by the previous owners. Another concern

Ms. Zero stated was the water and ice build up this location has during the winter time at the end of the driveway is dangerous and goes across the entire Curtiss Rd.

Ms. Goldin stated she wanted to say Thank You to the Commission and that they appreciate all the hard work and time they have put in as a volunteer.

Mr. Marty Connor stated that there have been good comments from Attorney Janet Brooks, and important testimony from Mr. Hayden. Also, urge that of applications of this type be sent to a third-party review as far as feasible and prudent alternatives. If the Commission decides to move forward, which he doesn't think they should, it should be considered the maintenance of the rain gardens, getting sedimentation basins which are associated with them.

Attorney Neil Marcus who represents the applicants, stated that he is shocked that 61 people in the Town of Warren, do not think that the Commission has the ability to make a decision for the information that is in front of you tonight. He feels that Mr. Connor summarized some points very well, that the commission has the obligation to protect Lake Waramaug and all the other Wetlands. One statement that Mr. Connor made was have they given thought to a smaller house? Attorney Marcus stated, it's not the Inland Wetlands Commissions job to design people's houses, and that what Mr. Connor is missing is that the size of the house is irrelevant to this application. The Town of Warren has a zoning law of a 2-acer building lot, and as long as the property size fits that, the Goldin's can build on their property. Attorney Marcus stated that for Attorney Janet Brooks and her client to file an intervention 5 months into the process of this application with a letter submitted by the third-party engineer 2 days before the hearing doesn't change the impact of this hearing and application, and that is what needs to be focused on. Attorney Marcus stated that at this point filing an intervention as Ms. Gildersleeve did, it may be to late because the public hearing is closing and that there hasn't been anything submitted by the intervener that would give rise to the applicant withdrawing it. Attorney Marcus stated that when Mr. Szymanski was asked by the Commission to come up with another alternative regarding any of the 5 plans, he presented he did come up with a feasible or prudent alternative. It shows there are no negative impacts directly or indirectly on the wetlands. Another point is the concern with blasting, blasting is a construction technique used on most work sites these days and it's a modern technique that is very disruptive.

Mr. Hayden, Executive Director of Lake Waramaug Task Force and a certified soil scientist in the State of Connecticut, stated that Lake Waramaug is historically and culturally important, and is environmentally sensitive and an economic asset to the Town of Warren. This project as proposed will cause adverse impacts to Lake Waramaug, Potash Brook, and the associated Wetlands. Mr. Hayden asks the Commission of pay close attention to the concerns and comments to deny this application.

Chairman Favreau announced a 10 minutes comfort break

Chairman Favreau resumed the public comments for 85 Curtiss Rd

Mr. Tammen, 50 Curtiss Rd, stated that in the regulations is says that the application shall contain such information as is necessary for fair and informed determination. Looking at the original application, it shows missing information, and now 4 months later we are still waiting for certain information, this application should be denied.

Ms. Tammen, 50 Curtiss Rd, wanted to make it clear that its not being said that a dwelling should not be built on this property, its that there are feasible and prudent alternatives, but that non have been submitted. Ms. Tammen also stated concerns regarding blasting.

Mr. Tammen, 50 Curtiss Rd, stated section 7C application requirements say mapping or soil types consistent with the category established by the National Cooperative site survey etc. It shall be delineated in the field by a soil scientist and that there's other information missing from this application.

Mr. Tammen, 50 Curtiss Rd, stated section 10 of the regulations, asking the Commission of consider section 10.

Mr. Szymanski concluded stating there's discussion related to alternatives that would be less impact. The third-party engineer reviewed and confirmed we're not impacting the resource. There have been significant improvements throughout the plans proposed. Mr. Szymanski stated that everything the Commission has asked of him or any other representative during this project has been addressed and submitted to the Commission. Mr. Szymanski Thanked the Commission for their time and the consideration of this application.

Ms. Shook made a **MOTION** to close the public hearing, Mr. Caldwell **SECONDED**; No further discussion among the Commission, **MOTION CARRIED**

Chairman Favreau stated that the deliberation on 85 Curtiss Rd will be tabled until the next Inland Wetlands Meeting November 18, 2021.

Ms. Shook made a **MOTION** to table the deliberation of 85 Curtiss Rd until the next meeting on November 18, 2021, Ms. Tanner **SECONDED**, **MOTION CARRIED**.

Regular Meeting

Call to Order, Roll Call, Seating of Alternates

Chairman John Favreau called the meeting to order at 10:13 p.m. **PRESENT** Including the Chairman, Vice Chairwoman Cynthia Shook, Thomas Caldwell and Alternate Tara Tanner (seated for Nora Hulton). **ABSENT** were Nora Hulton, Nancy Binns and Alternate Darin Willenbrock. Others present were members of the public in the meeting room and via zoom.

Additions to the Agenda (Includes applications received by Land Use Office by 4:00 pm, October 27, 2/3 vote required) - None

Consideration of the Minutes

- a. Minutes of the Public Hearings and Regular Meeting of August 26, 2021.

Ms. Shook made a **MOTION** to table the acceptance of the August 26, 2021 minutes, Ms. Tanner **SECONDED**, **MOTION CARRIED**

- b. Minutes of the Public Hearing and Regular Meeting of September 23, 2021.

Chairman Favreau made a **MOTION** to accept the September 23, 2021 minutes, Mr. Caldwell **SECONDED**, **MOTION CARRIED**

Pending Applications

- a. IWA #21-08-02 / 37 Arrow Point Road, Assessor's Map 41 Lot 03 / Laurie Mead McGrory for the Estate of John A. Mead / Installation of a 190-sf dock on Lake Waramaug (Received by Commission 8/26/21)

Ms. Hodza spoke with the applicant, and this application meets all the guidelines and there's no disturbance.

Ms. Shook made a **MOTION** to approve the installation of a 190-sqft dock on Lake Waramaug, Mr. Caldwell **SECONDED, MOTION CARRIED**

- b. IWA 21-09-01 / 28 Reed Road / Demetrio Meduri for Star Marie Meduri / Construction of well, septic, and house partially within the regulated area (Received by IWC 9/23/2021)

Mr. Meduri presented to the Commission an updated plan addressing the location of the stock pile, and erosion control. Chairman Favreau asked for the construction sequence, Mr. Meduri didn't recall being asked that and didn't have that information to present. Mr. Meduri stated he is not digging a basement it will only be a crawl space. The septic and well plan has been accepted by TAHD.

The Commission discussed that they would like to hold a site walk on the property and for Mr. Meduri to stake out the location of the foundation, the silt fence and the location of the stock pile.

Chairman Favreau made a **MOTION** for a site walk at 28 Reed Rd at 3:30 pm on Monday November 8, 2021, Ms. Tanner **SECDONED, MOTION CARRIED**.

- c. IWA 21-09-02 / 110 Rabbit Hill Road, Assessor's Map 5 Lot 4 / Brian E. Neff, P.E. for Amy L. Walsh and William A. Walker, 147 Congress Street, Brooklyn, N.Y. / Replacement of septic system within the regulated area (Received by IWC 9/23/2021; revisions rec'd 10/27 by LUO)

Brian E. Neff represented the applicant, stating that there have been a couple minor changes to the house as planned, but none of these changes impact the regulated area. The closest point to the septic is 63 ft, this has been approved by the Health Department, the revision is outside the regulated area.

Ms. Hodza asked how much fill will be brought in for this project? Mr. Neff stated about 250 yards of septic fill.

Mr. Caldwell made a **MOTION TO APPROVE** the application, Ms. Shook **SECONDED, MOTION CARRIED**

- d. IWA #21-09-03 / 21 Arrow Point Rd, Assessor's Map 45, Lor 29 / A5MK 21 Arrow Point Rd LLC / Removal of (2) storm damaged trees that have fallen into the lake. (Received by IWC 9/23/2021)

Ms. Hodza presented information that she had received on how the trees will be removed.

Chairman Favreau asked for a motion, Ms. Shook made a **MOTION TO APPROVE** this application, Mr. Caldwell **SECONDED, MOTION CARRIED**

New Applications (Receive and determine significance)

- a. IWA 21-09-04 / 58 Mountain Lake Road, Assessor's Map 7, Lot 6 / Scott Thyberg for Christian Youth Fellowship of 58 Mountain Lake Road / Removal of select trees and extension of lower meadow (Received by LUO 9/29, to be received by Commission 10/28/2021)

Chairman Favreau reviewed the application to expand the lower meadow and remove trees. Mr. Thyberg stated that the trees surrounding the stream will not be removed.

Chairman Favreau asked, how much fill will you be bringing in? This will be a part of information that will need to be submitted to the Commission.

Chairman Favreau asked for a motion to receive and accept, Ms. Shook made a **MOTION** to receive and accept this application, Mr. Caldwell **SECONDED, MOTION CARRIED.**

Chairman Favreau asked for a motion to be made for a site walk on this location, Ms. Shook made a **MOTION** for a site walk at 58 Mountain Lake Rd, on November 8, 2021 at 2 pm, Mr. Caldwell **SECONDED, MOTION CARRIED.**

Other Business Proper

- a. Schedule of Regular Meetings 2022

The fourth Thursday of every month except for November 2022 and December 2022 due to holidays. Ms. Shook made a **MOTION** to accept the Schedule of Regular Meetings for 2022, Mr. Caldwell **SECONDED, MOTION CARRIED**

Inland Wetlands Officer's Report (Sept 23 – Oct 27) - None

Communications Received - None

Public Comment

Mr. Randy Shrack, 26 Reed Rd, how far does a house have to be from a property line? Mr. Shrack was informed that this is a zoning question, but Ms. Hodza as the zoning officer stated from the house to the road is 30ft. Mr. Shrack is concerned with the house that Mr. Meduri at 28 Reed to is building and how far is Mr. Meduri's house from Mr. Shrack's well and property line? Mr. Shrack stated that his well is on the property line. The Commission informed Mr. Shrack that he is welcome to attend the site walk, on November 8, 2021 to see the lay out of Mr. Meduri's plan.

Chairman Favreau looked to zoom for any other public comment, no further comments.

Adjournment (Next Regular Meeting Thursday, November 18, 2021)

Chairman Favreau asked for a motion to adjourn the meeting, Ms. Tanner made a **MOTION** to adjourn the meeting at 10:47pm, Mr. Caldwell **SECONDED, MOTION CARRIED**

Respectfully Submitted,

Robin Tanner-Hoskinson
Recording Secretary

Link to recordings:

https://us06web.zoom.us/rec/share/XCzGrdDzDVc3IID6FKVv_RRmHg1v_leI5eGPe6xvIrnJF_Qno4AisZGPIUgtJiK7.Y6o_khfPW10xNI11