

TOWN OF ESSEX
Inland Wetlands and Watercourses Commission
29 West Avenue
Essex, CT 06426
essexct.gov

MINUTES

Regular Meeting - October 11, 2011

Call to Order and Seating of Members

The regularly scheduled meeting of the Essex IWWC was conducted on October 11, 2011 in Room A of the Essex Town Hall at 7:30 p.m. Those members in attendance were Chair, Daniel Lapman, Chuck Corson, Claire Tiernan, Goody LeLash, Barbara Zernike, Nancy Arnold, Larry Shipman, Steve Knauth and Fred Szufnarowski. Also in attendance were Stella Beaudoin, Recording Secretary and Joe Budrow, Wetlands Enforcement Agent and Zoning Enforcement Agent.

Mr. Lapman called the meeting to order at 7:30 p.m.

Motion made by Chuck Corson to place on the Agenda consideration of **Application 11-13 by David Ballantyne, Eagle Scout for Trinity Lutheran Church, Centerbrook, CT.**

Motion seconded Barbara Zernike and passed unanimously.

Old Business

Application 11-9 for property of John Beveridge located at 18 River Road, Essex, CT. This is an application to construct an 18' x 17' addition onto a second garage on the property. The addition would be 24 feet from the river's edge. The property is comprised of a 1,535 s/f home along with two outbuildings, each being utilized as a garage. One of the garage buildings is 976 square feet and is 13 feet from the river's edge. The second garage is 500 square feet and is 14 feet from the river's edge. The property lies within a 100-year and a 500-year flood zone.

This application was heard at the Essex Zoning Board of Appeals at their September 20, 2011 meeting and a Variance was granted.

Mr. Beveridge stated that he received permission from the Essex IWWC six years ago to construct a garage with the stipulation that it be placed on piers at elevation 15. Mr. Beveridge stated that he wishes to add one more bay onto the garage and he proposes to construct this bay exactly as the other garage was constructed, on piers at an elevation of 15. The existing garage has two doors and the proposed garage will have one door. There will be an access from one side only of the structure.

Motion made by Nancy Arnold to approve **IW Permit Application 11-9 for property of John Beveridge located at 18 River Road, Essex, CT.** This is an application to construct an 18' x 17' addition onto a second garage on the property.

Based on the documents presented and on the testimony given at this meeting, and the site inspection, the Commission finds that the proposed activity is a regulated activity not involving significant or major effect upon the inland wetlands or watercourse which occur on the property as defined in Section 2.2 and that no reasonable or prudent alternative exists to the proposed plans. The Commission members feel that the proposed activities are well suited to the area.

The Commission makes a Summary Ruling and grants a permit and permission for the applicant to proceed with proposed activity as stated on said application and as shown on plans accompanying the application, subject to the following conditions:

1. The IWWC waives a portion of (*the standard) condition #1 regarding the date of initiation of this permitted activity so that construction may occur between March 15th and October 15th.
2. In accordance with the Commission's Regulations, the activity pursuant to said permit shall be initiated within 5 years of the date of publication and shall be completed within one year of the date of initiation and *will occur between March 15th and October 15th of the year of initiation.
3. Should the applicant determine that the permitted activity will not be completed between March 14th and October 15th of the year of initiation, the applicant agrees to appear before the Commission and present a plan for the stabilization of the site during the non-permitted months.
4. The applicant agrees to follow the advice and direction of the Town of Essex Enforcement Officer with regard to any field changes she/he deems necessary or may require for the protection of the inland wetlands and water course during the process.
5. The Commission, through its Enforcement Officer, shall be notified in writing upon the initiation of the authorized activity and again upon completion of these activities

Discussion: The approval of this Permit is subject to field conditions and approval of the Essex Wetlands Enforcement Officer.

Motion seconded by Stephen Knauth and passed unanimously.

Approval of site inspection on behalf of Application 11-10 for property of Andrew Guziewicz and Kelly A. Rock located at 12 Racketts Lane, Essex, CT.

The following change was made to the site inspection Minutes:

1st paragraph at the end: add: *"the wall be shifted one to two feet to clear the pipe"*

Motion made by Chuck Corson to approve the site inspection Minutes as amended for Application 11-10 for property of Andrew Guziewicz and Kelly A Rock, located at 12 Racketts Lane, Essex, CT.

Motion seconded by Nancy Arnold and passed unanimously.

Application 11-10 for property of Andrew Guziewicz and Kelly A. Rock located at 12 Racketts Lane, Essex, CT. This is an application to replace a wooden wall, to extend a culvert that channels the brook into the pond, to extend a foot drain to deposit more directly into the brook, to relocate the swimming pool, to expand the existing shed and to construct a footbridge over the pond. Much of the activity is either in the pond or within 100 feet of it.

Andrew Guziewicz presented. Mr. Guziewicz stated that if he wishes to resolve the water issue on Route 154 which is impacting his property. Mr. Guziewicz proposes to build a trench two feet wide and three feet deep to resolve which will divert the water which is running onto his property from Rte 154.

Chuck Corson commented that the wall could also be rotated 90 degrees across and turned into a head wall. It would be a continuation of the retaining wall which would be at road level and would serve to keep the erosion at bay.

Motion made by Nancy Arnold to approve **IW Permit Application 11-10 for property of Andrew Guziewicz and Kelly A. Rock located at 12 Racketts Lane, Essex, CT.** This is an application to replace a wooden wall, to extend a culvert that channels the brook into the pond, to extend a foot drain to deposit more directly into the brook, to relocate the swimming pool, to expand the existing shed and to construct a footbridge over the pond. Much of the activity is either in the pond or within 100 feet of it. Based on the documents presented and on the testimony given at this meeting, and the site inspection, the Commission finds that the proposed activity is a regulated activity not involving significant or major effect upon the inland wetlands or watercourse which occur on the property as defined in Section 2.2, and that no reasonable or prudent alternative exists to the proposed plans. The Commission members feel that the proposed activities are well suited to the area.

The Commission makes a Summary Ruling and grants a permit and permission for the applicant to proceed with proposed activity as stated on said application and as shown on plans accompanying the application, subject to the following conditions:

1. The IWWC waives a portion of (*the standard) condition #1 regarding the date of initiation of this permitted activity so that construction may occur between March 15th and October 15th.
2. In accordance with the Commission's Regulations, the activity pursuant to said permit shall be initiated within 5 years of the date of publication and shall be completed within one year of the date of initiation and *will occur between March 15th and October 15th of the year of initiation.
3. Should the applicant determine that the permitted activity will not be completed between March 14th and October 15th of the year of initiation, the applicant agrees to appear before the Commission and present a plan for the stabilization of the site during the non-permitted months.
4. The applicant agrees to follow the advice and direction of the Town of Essex Enforcement Officer with regard to any field changes she/he deems necessary or may require for the protection of the inland wetlands and water course during the process.
5. The Commission, through its Enforcement Officer, shall be notified in writing upon the initiation of the authorized activity and again upon completion of these activities
6. Details of the wall be provided to the town engineer prior to construction.

Discussion: It was noted that not enough information has been provided on the construction of the footbridge. Mr. Corson asked to have the footbridge excluded from this application and subsequent approval.

Motion seconded by Chuck Corson and passed unanimously.

Application 11-11, Gregory and Anne Peterson for property located at Rosewood Lane. This is an application for a re-subdivision of land. The applicants are requesting an approval to split a 6.93 acre parcel. The re-subdivided parcels are proposed to have regulated activities on them.

Bob Doane, Doane Collins Engineering presented. Mr. Doane stated that he would like to have the access-way approved. There is some construction occurring on the adjoining property. Mr. Doane stated that the intent is to share that common driveway with the adjoining property. Mr. Peterson, the applicant would like to construct the driveway this winter. It is a driveway that will be utilized to access the applicant's property. A house is also being constructed on the adjoining property. The importance of installing the driveway now is to get it at grade so that when the utilities are installed the driveway will not be cut into.

Mr. Doane stated that he wishes to establish a grade at 10%. This subdivision approval is currently before the Essex Planning Commission. It is a requirement of the Essex Zoning Regulations that any subdivision come before the IWWC prior to obtaining the approval of the Planning Commission. There is a 40-foot strip which is owned by the Town that is part of Rosewood Lane and the first two hundred feet of the driveway is within the regulated area. A discussion ensued surrounding the Town owned 40-foot strip.

Mr. Doane stated that he is seeking permission to construct the driveway. Mr. Doane stated that another application will be made to the IWWC re the house size and the grading.

Motion made by Nancy Arnold to approve **IW Permit Application 11-11 for property of Peterson located at Rosewood Lane**. This is an application for re-subdivision of land.

Based on the documents presented and on the testimony given at this meeting, the Commission finds that the proposed activity is a regulated activity not involving significant or major effect upon the inland wetlands or watercourse which occur on the property as defined in Section 2.2, and that no reasonable or prudent alternative exists to the proposed plans. The Commission members feel that the proposed activity is well suited to the area.

The Commission makes a Summary Ruling and grants a permit and permission for the applicant to proceed with proposed activity as stated on said application and as shown on plans accompanying the application, subject to the following conditions:

1. This approval is for the driveway only and any subsequent activity must come back before the IWWC.
2. The IWWC waives a portion of (*the standard) condition #1 regarding the date of initiation of this permitted activity so that construction may occur between March 15th and October 15th.
2. In accordance with the Commission's Regulations, the activity pursuant to said permit shall be initiated within 5 years of the date of publication and shall be completed within one year of the date of initiation and *will occur between March 15th and October 15th of the year of initiation.
4. Should the applicant determine that the permitted activity will not be completed between March 14th and October 15th of the year of initiation, the applicant agrees to appear before the Commission and present a plan for the stabilization of the site during the non-permitted months.
5. The applicant agrees to follow the advice and direction of the Town of Essex Enforcement Officer with regard to any field changes she/he deems necessary or may require for the protection of the inland wetlands and water course during the process.
6. The Commission, through its Enforcement Officer, shall be notified in writing upon the initiation of the authorized activity and again upon completion of these activities

Motion seconded by Chuck Corson and passed. Fred Szufnarowski abstained from the vote.

New Business

Application 11-13 David Ballantyne for Trinity Lutheran Church, Centerbrook. David Ballantyne presented. David would like to construct a sidewalk that goes around the back of the church in

conjunction with his Eagle Scout requirement. David wishes to build a patio around the walkway area which will be eight feet by eighteen feet. David stated that he will dig down eight inches and put weed bogging in along with gravel for the pavers. David also proposes to assemble a picnic table or possible benches which will be placed on top of the patio.

Chuck Corson reminded David that because this property is situated on the Falls River, fill will not be used on this project.

Motion made by Nancy Arnold to approve **IW Permit Application 11-13 by David Ballantyne for Trinity Lutheran Church, Centerbrook.** This is an application to construct a sidewalk that goes around the back of the church.

Based on the documents presented and on the testimony given at this meeting, the Commission finds that the proposed activity is a regulated activity not involving significant or major effect upon the inland wetlands or watercourse which occur on the property as defined in Section 2.2, and that no reasonable or prudent alternative exists to the proposed plans. The Commission members feel that the proposed activity is well suited to the area.

The Commission makes a Summary Ruling and grants a permit and permission for the applicant to proceed with proposed activity as stated on said application and as shown on plans accompanying the application, subject to the following conditions:

1. The area facing the Falls River as noted on the map presented this evening, will not be filled.
2. The IWWC waives a portion of (*the standard) condition #1 regarding the date of initiation of this permitted activity so that construction may occur between March 15th and October 15th.
3. In accordance with the Commission's Regulations, the activity pursuant to said permit shall be initiated within 5 years of the date of publication and shall be completed within one year of the date of initiation and *will occur between March 15th and October 15th of the year of initiation.
4. Should the applicant determine that the permitted activity will not be completed between March 14th and October 15th of the year of initiation, the applicant agrees to appear before the Commission and present a plan for the stabilization of the site during the non-permitted months.
5. The applicant agrees to follow the advice and direction of the Town of Essex Enforcement Officer with regard to any field changes she/he deems necessary or may require for the protection of the inland wetlands and water course during the process.
6. The Commission, through its Enforcement Officer, shall be notified in writing upon the initiation of the authorized activity and again upon completion of these activities

Motion seconded by Barbara Zernike and passed unanimously.

Application 11-12 by Michael Bowers for property located at 3 Fordham Road, Essex, CT for Bowers Pond Dam Repair.

Mr. Michael Bowers, Evertide, LLC presented. Mr. Bowers stated that there has been extensive rusting of the galvanized asphalt steel spillway and culvert pipe which carries water through the earth bank that makes up Bowers Pond Dam. Mr. Bowers stated that in 1993 a galvanized and asphalted corrugated steel 16-gauge culvert pipe was installed to carry the water through the earth dam. He is looking to replace it with a larger 30 inch diameter pipe for increase flow capacity. In 1982 there was a dam failure from water flowing over the top. March 2011 deterioration of the rim due to rusting caused the pond water level to drop approximately three inches (since 1993) and in the summer of 2011 there was a near failure.

Mr. Bowers proposes to replace the existing 24" diameter corrugated steel culvert pipe with a 30" diameter double walled HDPE pipe with a smooth inner for increased flow capacity. The spillway is to be replaced with a welded and polymer coated steel assembly that will be attached to the culvert pipe by an adaptor coupler. The spillway will increase in size and will have a rim diameter of 54". The water level will be restored to the 1993 level which is 3" from its current level.

Chuck Corson expressed his concern about additional flow capacity as it cannot be predicted what impact the increase flow will have downstream.

Mr. Bowers stated that there is good sized rip rap down stream and noted that there are no houses to bear any impact from the additional flow capacity. The CT DEEP will conduct a site walk next week.

Mr. Budrow noted that if this had a hazard class and if there was something down stream that would be impacted negatively, the State would take control of the situation if.

Chuck Corson noted that if the State has any comments requiring changes to the plan, the IWWC must be notified of those changes.

Fred Szufnarowski stated that the consequences of increasing the discharge capacity will not affect anyone else.

Motion made by Chuck Corson to approve IW Permit Application 11-12 by Michael Bowers for property located at 3 Fordham Road, Essex, CT for Bowers Pond Dam Repair.

Based on the documents presented and on the testimony given at this meeting, the Commission finds that the proposed activity is a regulated activity not involving significant or major effect upon the inland wetlands or watercourse which occur on the property as defined in Section 2.2, and that no reasonable or prudent alternative exists to the proposed plans. The Commission members feel that the proposed activity is well suited to the area.

The Commission makes a Summary Ruling and grants a permit and permission for the applicant to proceed with proposed activity as stated on said application and as shown on plans accompanying the application, subject to the following conditions:

1. Special inspection is required from Town staff to insure well protected from erosion in the winter months.
2. The IWWC waives a portion of (*the standard) condition #1 regarding the date of initiation of this permitted activity so that construction may occur between March 15th and October 15th.
3. In accordance with the Commission's Regulations, the activity pursuant to said permit shall be initiated within 5 years of the date of publication and shall be completed within one year of the date of initiation and *will occur between March 15th and October 15th of the year of initiation.
4. The applicant agrees to follow the advice and direction of the Town of Essex Enforcement Officer with regard to any field changes she/he deems necessary or may require for the protection of the inland wetlands and water course during the process.
5. The Commission, through its Enforcement Officer, shall be notified in writing upon the initiation of the authorized activity and again upon completion of these activities
6. If review by the CT DEEP safety people have any modification, the Essex IWWC will be notified of the changes.

Motion seconded by Nancy Arnold and passed unanimously.

Other Business:

Approval of Minutes: Regular Meeting, September 13, 2011

Motion made by Goody LeLash to approve the Minutes from the September 13, 2011 meeting as amended.

Motion seconded by Dan Lapman and passed unanimously.

Correspondence and Invoices

No correspondence. No invoices

Reports

Wetlands Agent:

- Joe Budrow visited Rosewood Lane and found a cleared lot of property owned by Don Meyer. The property is cleared and graded. Mr. Budrow stated that this property was never approved for construction of a home. Mr. Budrow sent a formal letter to Mr. Meyer informing him that he is in violation. Mr. Budrow further informed Mr. Meyer in the violation letter that Mr. Meyer must appear before the IWWC within one month with a formal application and a set of plans. Nancy Arnold stated that the Town Sanitarian Brad Cheney, CME engineering, must make sure that he checks with the IWWC through Mr. Budrow to convey any plans.
- The CT Association of Conservation and Inland Wetlands Commissions, Inc. will conduct the 34th annual Meeting and Environmental Conference *Celebrating Five Decades of Environmental Conservation and Habitat Protection* on Saturday, November 12, 2011 at MountainRidge in Wallingford, CT.
- Mr. Lapman received a call from a resident on Falls River Drive regarding property owned by Coppolocha, 15 Falls River Drive. IWWC permission was previously granted to install a 30' x 30' garage along with a small extension onto the house. In addition to the construction of the garage, the applicant has built two piers into the ground with a ramp that goes down to a flotation device. A CT DEEP permit was not required for this dock as this is not a federal waterway.

Nancy Arnold suggested that the Commission table the 15 Falls River Drive situation to the November 2011 meeting in order to review the Minutes from that meeting and subsequent Permit. IWWC members requested that the information be provided to the commissioners with ample time for review prior to the November 2011 meeting, i.e., the original application, the Minutes which discussed the prior application, site walk information and the final ruling surrounding the Permit.

Chairperson Daniel Lapman. Mr. Lapman reported that he was informed that he must read into the record the time that the meeting is called to order and the time of adjournment.

Chuck Corson commented on an email Mr. Budrow sent to Commission members earlier today. Mr. Corson stated that per the email, the IWWC does not have to take the sanitarian's word that when the septic is approved, the wetlands permit is cleared for approval.

Mr. Budrow stated that per the publication *Journey to the Legal Horizon; Septic Systems and the Wetlands Act*, the wetlands agency requires expert input to document the adverse effect the septic system will have on the wetland or watercourse. The IWWC always needs documentation of the adverse effect in order to deny the application. It is not the existence of the local health department approval which sets a higher standard for the wetlands agency review.

Barbara Zernike stated that the sanitarian is approving the construction of the septic system but not saying if it impacts the wetlands.

Nancy Arnold noted that as a part of the application, the sanitarian will be asked if there are alternatives to the septic system location and what impact if any it would have, currently located or alternatively located on surrounding wetlands.

Chuck Corson stated that if an application comes in and goes through Joe Budrow, and it looks like it requires septic location approval, the IWWC will grant Mr. Budrow the authority to have a conversation with the district commission to determine if there is any detriment to the wetlands. The IWWC does not deal with repair of the septic system.

Mr. Corson noted that the IWWC has historically predicated the Commission's permit approval on the sanitarian's approval.

- Mr. Lapman noted that tenure terms are scheduled to expire for Goody LeLash, Claire Tiernan and Barbara Zernike. All members expressed their wish to remain on the IWWC.

Planning Commission Representative Claire Tiernan: No report.

Conservation Commission Representative Goody LeLash:

- The Conservation Commission in conjunction with the Gateway Commission will make presentation to the Essex Conservation and Planning Commissions on December 6, 2011. Also, the Conservation Commission recently obtained a CT DEEP permit for phragmites control.

Zoning Commission Representative Larry Shipman:

- The Zoning Commission no new applications.

Motion made by Dan Lapman to adjourn.

Motion seconded by Claire Tiernan and passed unanimously.

The regularly scheduled meeting of the Essex IWWC adjourned at 8:54 p.m.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary

The next meeting of the Essex Inland Wetlands and Watercourses Commission will be conducted on the first Tuesday of the month, November 1, 2011, due to the closure of the Essex Town Hall on November 8, 2011 for election day.