

TOWN OF ESSEX
Inland Wetlands and Watercourses Commission

Executive Board
Fred Szufnarowski Chairman
Daniel Lapman, Vice Chair

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Regular Members

Jim Leo
Steve Knauth
Jeffrey Lovelace, Conservation Liaison
Jim Hill, Zoning Liaison
Vacancy, Planning Liaison

Alternate Members

Bill Cook
Andre Roussel

Unapproved

Minutes - Special Meeting
Wednesday, March 22, 2017

1. Call to Order and Seating of Members

A Special Meeting of the Essex IWWC was conducted on March 22, 2017 in Conference Room A, of the Essex Town Hall at 7:00 p.m.

Attending Members:

Fred Szufnarowski
Jim Hill
Jim Leo
Andre Roussel, Alternate, seated
Bill Cook, Alternate, seated

Absent Members:

Steve Knauth
Jeff Lovelace
Dan Lapman

Staff:

Stella Beaudoin, Recording Clerk
Joseph Budrow, Wetlands Enforcement Agent

F. Szufnarowski called the meeting to order at 7:00 p.m.

MOTION made by J Leo to seat B Cook and Andre Roussel; **SECONDED** by J Hill; **Voting In Favor:** F. Szufnarowski, J Hill, J Leo, B Cook, A Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

Seated for the meeting were F Szufnarowski, J Hill, J Leo A. Roussel, and B. Cook.

2. Approval of Minutes

- February 14, 2017 regular meeting

MOTION made by J Leo to approve the February 14, 2017 regular meeting Minutes as presented; **SECONDED** by A Roussel; **Voting In Favor:** F. Szufnarowski, J Hill, J Leo, B Cook, A Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

- February 22, 2017 special meeting

MOTION made by J Leo to approve the February 22, 2017 special meeting Minutes with the following amendment: 1) Page 2, second paragraph, last line. "The PVC pipe is enclosed by a coated fencing which prohibits the beavers *from accessing the pipe*"; **SECONDED** by A Roussel; **Voting In Favor:** F. Szufnarowski, J Hill, J Leo, B Cook, A Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

- Site Walk on March 4, 2017

MOTION made by A Roussel to approve the March 4, 2017 site walk Minutes as presented; **SECONDED** by J Leo; **Voting In Favor:** F. Szufnarowski, J Hill, J Leo, B Cook, A Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

3. Public Hearing

- No public hearing scheduled

4. Regular Meeting

- Application No. 17-1 – Charles Doane, 100 Plains Road

An application to amend to previous application No. 16-1.

At the February 22, 2017 Special Meeting, the Commission determined that this proposal was complete for submission at this evening's meeting.

Charles Doane presented on behalf of this application. C Doane stated that the only change from the initial presentation is that the gutter system for the down-spout which was in place to protect the new hydro seeding, has been removed.

MOTION by J Leo to approve a permit for Application No. 17-1 – Charles Doane, 100 Plains Road. An application to amend to previous application No. 16-1. Based on the information presented in this application and the accompanying documents, and on the testimony given at this meeting, the Commission finds that the proposed activity is a regulated activity not involving significant impact or major effect upon the inlands wetlands or watercourse which occur on the property, as defined in Section 2.2, and that few or no reasonable or prudent alternatives exist;

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:

- a. 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. The Commission permits the applicant to conduct work between and will occur between March 15th and October 15th of the year of initiation.
- b. 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.
- c. The applicant agrees to follow the advice and direction of the Town of Essex Enforcement Officer with regard to any field changes he/she deems necessary or may require for the protection of the inland wetlands and water course during the process.
- d. 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.

SECONDED by B Cook; **Voting In Favor:** F. Szufnarowski, J Hill, J Leo, B Cook, A Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

MOTION by A Roussel to modify the Agenda to move **Application No. 17-2** from the Regular Meeting to Receipt of New Application; **SECONDED** by J Leo; **Voting In Favor:** F. Szufnarowski, J Hill, J Leo, B Cook, A Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

- **Application #17-3 Essex Parks and Recreation Department**, A request for a Wetlands Permit to allow the installation of a beaver control device within Wollock's Pond in Viney Hill Brook Park.

At the February 22, 2017 Special Meeting, the Commission determined that this proposal was complete for submission at this evening's meeting.

This application is a proposal to replace the earth berm pipe with a multifaceted pipe and fence structure.

Robert Russo, Chairman of the Essex Park and Recreation Commission and certified soil scientist presented on behalf of this proposal. R Russo stated that this application includes the installation of the upstream fencing in the pond, however at the time this Application was received by the Commission, this proposal did not include the fencing on the down-stream side. R Russo stated that the Park and Recreation Department is in favor of including the installation of the downstream fencing in this application. As stated in Beaver Solutions Installation Procedures for a Culvert Protective Fence and Pipe Flow Device; #9; "Occasionally a small fence is installed across the outlet end of the culvert to prevent beavers accessing the culvert from the downstream side.

MOTION by A Roussel to approve a permit for **Application #17-3 Essex Parks and Recreation Department**, a request for a Wetlands Permit to allow the installation of a beaver control device within Wollock's Pond in Viney Hill Brook Park to include the installation of a small fence across the outlet end of the culvert to prevent beavers from accessing the culvert from the downstream side; Based on the information presented in this application and the accompanying documents, and on the testimony given at this meeting, the Commission finds that the proposed activity is a regulated activity not involving significant impact or major effect upon the inland wetlands or watercourse which occur on the property, as defined in Section 2.2, and that few or no reasonable or prudent alternatives exist;

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:

- a. 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. The Commission permits the applicant to conduct work between and will occur between March 15th and October 15th of the year of initiation.
- b. 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.
- c. The applicant agrees to follow the advice and direction of the Town of Essex Enforcement Officer with regard to any field changes he/she deems necessary or may require for the protection of the inland wetlands and water course during the process.
- d. 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.

SECONDED by J Leo; **Voting In Favor:** F. Szufnarowski, J Hill, J Leo, B Cook, A Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

- **Application #17-4, Town of Essex**, A request to allow the removal and replacement of the Walnut Street bridge that spans the Falls River.

At the February 22, 2017 Special Meeting the Commission determined that this proposal was complete for submission at this evening's meeting, and the Commission requested that the applicant provide the following: 1) A plan that reflects the location of stockpile areas; 2) Provide a memo requesting work to go beyond October 15th. The applicant provided the requested materials.

On March 4, 2017 the Commission conducted a site walk.

Keegan Elder, WMC Consulting Engineers presented on behalf of this proposal. K Elder stated that since the February 22nd presentation there have been no significant changes to the application. A request by the Commission for location of stockpile areas on-site has been provided for the file as has a letter requesting the allowance of work during the non-permitted months. The stockpiled material will be stored on-site until such time that it can be hauled away. A sediment control silt fence will surround the stockpiled materials.

A Roussel suggested a cover or a tarp to be placed on the stockpiled materials at the end of each day until the materials are hauled away.

K Elder stated that they hope to complete construction this year and to have the road open by December 1, 2017. The completion of the work includes temporary pavement and stabilization of the site. If the process is delayed, the contractor will work into December. On April 1, 2018 the contractor will lay down the final pavement, establish the turf, install the guardrail, complete the striping of the road and any other miscellaneous work.

MOTION by B Cook to approve a permit for **Application #17-4** for **Town of Essex and WMC Consulting Engineers**, proposing the removal and replacement of the **Walnut Street bridge** that spans the Falls River. Based on the information presented in this application and the accompanying documents, the site walk and on the testimony given at this meeting, the Commission finds that the proposed activity is a regulated activity not involving significant impact or major effect upon the inland wetlands or watercourse which occur on the property, as defined in Section 2.2, and that few or no reasonable or prudent alternatives exist.

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:

- a. Permission is granted to work past October 15, 2017. Said permission is granted on the condition that a substantial amount of work, as determined by the Wetlands Enforcement Officer, will have been completed by October 15.
- b. Coverage of the stockpiled materials will be provided if left overnight.
- c. 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.
- e. The applicant agrees to follow the advice and direction of the Town of Essex Enforcement Officer with regard to any field changes he/she deems necessary or may require for the protection of the inland wetlands and water course during the process.
- f. 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.

SECONDED by B Cook; **Voting In Favor:** F. Szufnarowski, J Hill, J Leo, B Cook, A Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

5. Receipt of New Applications

- **Application No. 17-2 – Markham and Jody Rollins, 10 Meig’s Lane**
An application to allow a patio, fire pit and cooking station to a point 30 feet from South Cove.

This is an application to remove an existing deck and replace with a slightly larger one. Also to replace the existing patio and expand with a bluestone patio that would come to a point 16 feet from the head wall at the cove. As part of the patio, a fire pit and a cooking station is proposed. A storm water infiltration system will be installed to handle runoff from rain events.

Chad Frost, Landscape Architect presented on behalf of the applicant. C Frost stated that the applicant owns all of Meig’s Lane and the property that backs to Middle Cove. There is an existing bluestone patio and pool and a deck. This project will increase in the size of the bluestone patio by 800 s.f. C Frost stated that this proposal includes the replacement of the existing deck within the same footprint, pushing it out a bit. The bluestone will be lifted and re-set. The patio area underneath the deck has been lowered to increase the useable space. Additionally, there will be a stone wall at the edge of the area of the pool, and as a part of the patio a grill and in-ground fire pit will be installed. C Frost stated that this proposal increases the impervious surface and as such a treatment system will be in place for stormwater run-off. Everything in the rear of the house, the roof, the existing pavement and the added bluestone will capture the first one-inch of rain through a couple of slot drains and then funneled through a filter and into a retention basin which outlets to the preexisting stone channel.

It was noted that D Lapman is not in favor of the proximity of the pavers which are 16 feet between the edge of the cove and the paved area.

J Budrow stated that he will show the site plan to D Caroline, Essex Public Works Director and provide Mr. Caroline’s input to the Commission at the April 11, 2017 regularly scheduled IWWC meeting.

MOTION by B Cook to find that **Application No. 17-2** is substantially complete **Markham and Jody Rollins**, proposing backyard site development, to allow a patio, fire pit and cooking station to a point 30 feet from South Cove at **10 Meig’s Lane**; **MOTION** seconded by J Leo; **Voting In Favor:** F. Szufnarowski, A Roussel, B Cook, J Hill, J Leo; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

Based on the information presented in this application and the accompanying documents, and on the testimony given at this meeting, the Commission finds that the proposed activity is a regulated activity not involving significant impact or major effect upon the inlands wetlands or watercourse which occur on the property, as defined in Section 2.2, and that few or no reasonable or prudent alternatives exist; **MOTION** by B. Cook to schedule **Application #17-2** on behalf of **Markham and Jody Rollins**, proposed work located at **10 Meig’s Lane**, for the April 11, 2017 regular meeting;

MOTION seconded by J Leo; **Voting In Favor:** F. Szufnarowski, A Roussel, B Cook, J Hill, J Leo; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

- **Application #17-5 Essex Boat Works, LLC**, This is an application to construct a building with accessory site work all within 100 feet of North Cove.

Attorney Chris Smith, Shipman and Goodwin, LLC presented along with Darren Overton, P.E. and Wetlands Specialist and Bill Root Wetland and Soil Scientist. C Smith stated that this is a proposal for the construction of a new building and accessory site work. The existing building will be demolished and this application proposes a restaurant on the first floor as accessory use to the office space on the second floor. This property is situated on tidal wetlands and there are no inland wetlands that are regulated under the State of CT IWWC act. C Smith stated his act exempts any activities associated with tidal wetlands.

Darren Overton, PE presented. There is an existing structure onsite along with a storage container and shed and a stone covered boatyard for storage of boat and equipment. The gravel access-drive outlets onto Main Street. The topography of the site access-drive is flat and the drive tends to drain out toward Main Street. The bulkhead is flush with the stone. There is no existing storm water collection. Rain is infiltrated into the stone which has sand and gravel beneath it and any additional water will sheet flow off the bulkhead and into the CT River. The proposal includes the use of the access drive which will be slightly widened and will provide access to a service area.

Centerbrook Architects has designed the proposed building which will be elevated with piers supporting the building. The 3266 s.f. building proposes a marina office and restaurant and support amenities for the marina. There are parking spaces around the building which will be comprised of similar crushed stone surfaces, other than the handicap accessible area which will be paved. The storm water treatment system is designed for one-inch of run-off from the impervious surfaces. In the area of the paved parking access there is a catch basin in the yard area and catch basin in the low point. There will be 6, four-foot high concrete galleys and enough space for the first one-inch of run off. A single catch basin will be installed in the area of the access-way to trap run-off before it runs off onto the cul de sac loop on Main Street. The site will be served by public water and an on-site septic system. The septic will be located on the west side, adjacent to the driveway which is on the east side of the access strip. D Overton stated that a sedimentation and erosion control plan is in place and perimeter silt fencing and inlet protection of catch basins will be situated at the construction entrance on both sides of the driveway. The existing gravel will remain, and supplemental gravel will be brought in, as needed. Centerbrook Architects has designed the building which will be elevated with piers supporting the building.

J Budrow suggested that the Commission conduct a site walk.

C Smith stated that he has met on several occasions with the CT River Musuem and he indicated that the Museum will be provided with a full sets of plans. Marc Branse, Esq. of Branse and Willis, Glastonbury, CT represents the CT River Museum.

Bill Root, Soil Scientist presented. B Root stated that he walked the site and the neighboring properties and he did not find any streams draining down hill or any wetland soils in the area. B Root noted that the soils in the area are very good for drainage and infiltration. There is a catch basin on the vacant lot situated on Ferry Street from which the tide ebbs and flows. B Root stated that he traced a water source to the basin across the way and found it to be tidal wetland, however he did not find any wetlands around the property. B Root stated that he has considered ways to improve some of the water quality and he noted that improvements in water treatment on a property of this size is important. B Root stated that he will finalize his impact assessment report and he will make recommendations for improvements of the water quality.

C Smith concluded his presentation noting that this is a beneficial and a great proposal for the Town of Essex and the site will be cleaned up to accommodate the office and restaurant use. C Smith stated that there are no significant activities involved with the proposed enhancements and there will be no significant activity or impact to wetlands.

MOTION by A Roussel to find that Application #17-5 is substantially complete for **Essex Boat Works, LLC**, to construct a building with accessory site work with the location of proposed work, all within 100 feet of North Cove; **MOTION** seconded by J Leo; **Voting In Favor:** F. Szufnarowski, A Roussel, B Cook, J Hill, J Leo; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

Based on the information presented in this application and the accompanying documents, and on the testimony given at this meeting, the Commission finds that the proposed activity is a regulated activity not involving significant impact or major effect upon the inland wetlands or watercourse which occur on the property, as defined in Section 2.2, and that few or no reasonable or prudent alternatives exist; **MOTION** by A Roussel to schedule Application #17-5 on behalf of **Essex Boat Works**, proposed Work located within 100 feet of North Cove, for the April 11, 2017 regular meeting; **MOTION** seconded by J Leo; **Voting In Favor:** F. Szufnarowski, A Roussel, B Cook, J Hill, J Leo; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

MOTION to conduct a site walk on Tuesday, March 28, 2017 at 6:30p.m. on behalf of Application #17-5 for **Essex Boat Works LLC** by B Cook; **MOTION** seconded by J Leo; **Voting In Favor:** F. Szufnarowski, A Roussel, B Cook, J Hill, J Leo; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

6. Section 11 Approvals

J Budrow reported there are no Section 11 Approvals.

7. Other Business

- Regulating within 100 feet of tidal wetlands and watercourse question.

J Budrow stated that he has sent violation letters to 175 Saybrook Road for activities within 100 feet of the water line.

8. Correspondence and Invoices

The Habitat Spring Edition.

9. Reports:

- a. Wetlands Official – J Budrow reported that, M. Picard, 175 Saybrook Road is before the Zoning Board of Appeals to demolish the existing house and to replace with a larger home, with a request for 8 associated variances.
- b. Chairperson – F. Szufnarowski: No report.
- c. Planning Commission Representative – Vacant. No report.
- d. Conservation Commission Representative – J Lovelace. No report
- e. Zoning Commission Representative – J. Hill. No report.

10. Adjournment

MOTION made by J. Leo to adjourn at 8:34 p.m. to the next regularly scheduled IWWC meeting to be held on Tuesday, April 11, 2017 at the Essex Town Hall, 2nd Floor Conference Room A, 29 West Avenue; **MOTION SECONDED** by B Cook; **Voting In Favor:** D. Lapman, F. Szufnarowski, A Roussel, J Hill, J Leo, B Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary