

TOWN OF ESSEX
Inland Wetlands and Watercourses Commission

Executive Board
Fred Szufnarowski Chairman
Daniel Lapman, Vice Chair

29 West Avenue • Essex, Connecticut 06426
Telephone (860) 767-4340 • FAX (860) 767-8509

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 - Regular Meeting
Tuesday, June 13, 2017

1. Call to Order and Seating of Members

The regular Meeting of the Essex IWWC was conducted on June 13, 2017 in the Auditorium of the Essex Town Hall at 7:00 p.m.

Attending Members:

Fred Szufnarowski
Dan Lapman
Jim Hill
Jeff Lovelace
Jim Leo
Andre Roussel, seated for S Knauth
Bill Cook, Alternate

Absent Members:

Steve Knauth

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 A Roussel for S Knauth; **SECONDED** by D Lapman; **Voting In Favor:** F. Szufnarowski, J Hill, J Leo, D Lapman, J Lovelace; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

2. Approval of Minutes

- **May 9, 2017 regular meeting**

MOTION made by D Lapman to approve the May 9, 2017 regular meeting Minutes with the following amendment; 1) Under Adjournment, correct the motion to reflect the May 9, 2017 meeting was adjourned to the June 13, 2017 regularly scheduled meeting; **SECONDED** by J Leo; **Voting In Favor:** F. Szufnarowski, J Hill, J Leo, D Lapman, A Roussel, J Lovelace; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

- **May 19, 2017 Site Walk Minutes**

MOTION made by J Leo to approve the May 19, 2017 Site Walk Minutes at Essex Boat Works property as presented: **SECONDED** by J Hill; **Voting In Favor:** F. Szufnarowski, J Hill, D Lapman, J Leo, A Roussel; **Opposed:** None; **Abstaining:** D Lapman; **Approved:** 5/0/1.

3. Public Hearing

- No public hearing scheduled.

4. Regular Meeting

- **Application No. 17-6 – Mark Erwin, Lynn Road.** This is an application to convert an existing wood road to a driveway and to construct a new single family dwelling and to install a septic system 45 feet from a wetland area.

Mark Erwin who presented stated that during the May 19, 2017 site walk there was a discussion related to the placement of a clear notation on the site plan of the demarcation to the clearing area which has been added, and the placement of erosion and sedimentation control in the area of the driveway crossing.

B Cook suggested that the applicant armor or berm over each culvert, and the ZEO stated that he will insure that those conditions are reflected on the site plan.

F Szufnarowski commented on the plans before the Commission noting that as currently presented, any runoff will deposit directly into the watercourse and a berm would prevent the overflow.

A Roussel questioned the driveway materials noting that any runoff will seep directly into the wetlands and he suggested the requirement that the driveway will remain pervious, as a condition of the construction.

J Lovelace stated that he has a concern with the proposal as one corner of the proposed house will be situated 50 feet from a wetland, the other corner of the house will be situated 45 feet from the wetlands, and the deck is proposed to be 45 feet from wetlands. There are trees located at 20 feet between the house and the wetlands and J Lovelace stated that the tree cover will make for an extremely damp environment in which mold and mildew will flourish. The ZEO stated that this lot was approved by the Planning Commission and he noted that the subdivision also came before the IWWC and was approved.

J Lovelace stated that it is his opinion that this property should not have been accepted as a buildable lot.

MOTION by J Leo to approve a permit for **Application No. 17-6 – Mark Erwin, Lynn Road.** This is an application to convert an existing wood road to a driveway and to construct a new single-family dwelling and to install a septic system 45 feet from a wetland area. Based on the information presented in this application and the accompanying documents, the site inspection 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:

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. The driveway shall be constructed of pervious materials, and this requirement will be conditioned as a permanent restriction to the Permit.
- b. Berms will be installed on each side of driveway over the wetland crossings.
- c. There will be no further tree clearing other than what is reflected on the plan, and this requirement will be conditioned as a permanent restriction to the Permit.
- d. In accordance with the Commission's Regulations, the activity pursuant to said permit shall be initiated within 2 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.
- e. 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.
- f. The applicant agrees to follow the advice and direction of the Town of Essex Enforcement Officer with regard to any field changes he deems necessary or may require for the protection of the inland wetlands and water course during the process.
- g. 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, D Lapman, A Roussel; **Opposed:** J Lovelace; **Abstaining:** None; **Approved:** 5/1/0.

5. Receipt of New Applications

- **Application #17-7 – Nicole Bartolomei, 17 Laurel Road.** This is an application to relocate a septic tank and portions of two resident additions to a point 70 feet and uphill from a wetland area.

Robert Doane, P.E. presented on behalf of the applicant. R Doane stated that the applicant would like to expand the existing 3-bedroom to a 5-bedroom home, adding on to the garage and the driveway, and modify/increase the size of the sanitary system. R Doane noted that there is a 60-foot conservation easement on this property for which there is a permanent “no disturbance” condition placed within the easement. R Doane asked the Commission to accept the application this evening and proceed to a site inspection.

The ZEO stated that the Health Department supports this IWWC application and a letter of approval has been received from the sanitarian.

R Doane stated that there is a curtain drain in place that shields the sanitary system from seasonal high ground water which is continued with original design to wrap around the house and provide relief to the footing drains. R Doane noted that the propane tank that services the proposed generator will be buried.

MOTION by J Lovelace to find that **Application #17-7** is substantially complete for the applicant, **Nicole Bartolomei**, proposing relocate a septic tank and portions of two resident additions to a point 70 feet and uphill from a wetland at **17 Laurel Road**; **MOTION** seconded by D. Lapman; **Voting In Favor:** D. Lapman, F. Szufnarowski, J Hill, J Leo, A Roussel, J Lovelace; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

MOTION by J Leo to schedule **Application #17-7** on behalf of **Nicole Bartolomei**, property located **17 Laurel Road**, for the July 11, 2017 regular meeting; 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** seconded by A Roussel; **Voting In Favor:** D. Lapman, F. Szufnarowski, J Hill, J Leo, A Roussel, J Lovelace; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

MOTION by J Lovelace to conduct a site walk on Wednesday, June 21, 2017 at 6:15p.m.; **MOTION** seconded by J Leo; **Voting In Favor:** D. Lapman, F. Szufnarowski, J Hill, J Leo, A Roussel, J Lovelace; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

6. Section 11 Approvals

J Budrow reported on the following Section 11 Approval:

- **Application 17A-4 Carolee Cannata, 12 Rachel Lane.** This is an application to locate an in-ground swimming pool to a point 70 feet from a stream.

J. Budrow reported that he conducted a site visit to property situated at 12 Rachel Lane for the installation of an in-ground swimming pool. J Budrow stated that the topography on this property is extremely rocky and there is a brook traveling through the rocks that is located well away from the house. The ZEO stated that he met with the pool contractor and the pool comes to a point 70-75 feet away from the brook. At the closest point it is 70 feet to the east and 75 feet to the south. There is no slope in the area in which the pool will be situated and there is a natural ground buffer between the proposed salt-water pool and the stream. The pool is down gradient from the watercourse.

MOTION by J Leo to concur with the ZEO's administrative approval for **Application 17A-4**

Carolee Cannata, 12 Rachel Lane; MOTION seconded by J Hill; **Voting In Favor:**

F. Szufnarowski, D Lapman, J Lovelace, J Leo, J Hill, A Roussel; **Opposed:** None; **Abstaining:** None;

Approved: 6/0/0.

7. Other Business

The ZEO provided sample language on agent approval and asked Commissioners to review for approval at the July 11, 2017 meeting.

8. Correspondence and Invoices

There was no correspondence or invoices.

9. Reports:

a. Wetlands Official –

- J Budrow reported on the previously issued violation to Ivory Key LLC to remove radiators which they deposited on Walnut Street, side of the property, at the edge of the Falls River. J Budrow stated that as of this afternoon, there were forklifts on the property which were moving and placing the radiators into the building.
- J Lovelace questioned the dumping of pool water into the Falls River and questioned if there is a regulation prohibiting this action. The ZEO stated that there are no laws prohibiting the release of pool water into a wetlands, however he encouraged members to report this type of activity to him and he will follow with a letter.
- J Budrow reported that he has left messages with Attorney McCauley to schedule a meeting to work on the update of the IWWC regulations. J Budrow stated that the IWWC regulations should reflect the current CT General State Statutes and to be more explicit with the IWWC activities.
- J Budrow reported that M. Picard, 175 Saybrook Road will present before the Zoning Board of Appeals at their June 20, 2017 meeting to seek approval for demolition of

the existing house and to replace with a larger home, with a request for eight associated variances and with a site development and coastal management plan.

b. Chairperson –

F. Szufnarowski asked members to review the sample language for motions for administrative permits.

F Szufnarowski reported that the requirement for a member of the Planning Commission to serve as liaison to the IWWC may be waived as per a discussion he had with the First Selectman.

c. Planning Commission Representative – Vacant. No report.

d. Conservation Commission Representative – J Lovelace distributed a map which reflected the area of Quarry Pond within Viney Hill Brook Preserve in which the pond leveler was installed in 2015. J Lovelace reported that at the junction of Broadwalk and the Blue Trail the area is extremely wet and the Conservation Commission is discussing methods for handling the excess water resulting from the heavy rain and the beaver activity. J Lovelace stated that there is a blockage in the culvert in the pond abutting the Right-of Way Road which has been dammed up due to the beaver activity in the area next to Dennis Robida's house. The Conservation Commission has written a letter to the Essex Board of Selectman requesting funds to be appropriated for remediation of the blockage of the culvert which is located under the Right of Way Road, Viney Hill Brook Preserve, Cedar Grove Extension. J Lovelace stated that if funds become available, Conservation Commission will apply for an IW permit for the installation and Beaver Solutions, LLC will be retained to install a flexible pond leveler and fence to keep the culvert open and to prevent flooding onto Mr. Robida's property. J Lovelace reported that an alert has been placed on the Town's website of the flooding in the Quarry Pond Blue Trail area and signage will also be posted. J Lovelace encouraged members to visit the site to view an impressive example of how industrious this keystone species can be.

e. Zoning Commission Representative – J. Hill reported that the Carlson's Landing application will be considered at the upcoming June 19, 2017 Zoning Commission meeting.

10. Adjournment

MOTION made by D Lapman to adjourn at 8:13 p.m. to the next regularly scheduled IWWC meeting to be held on Tuesday, July 11, 2017 at the Essex Town Hall, 2nd Floor Conference Room A, 29 West Avenue; **MOTION SECONDED** by J Leo; **Voting In Favor:** D. Lapman, F. Szufnarowski, J Hill, J Leo, A Roussel, J Lovelace; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Stella C. Beaudoin, Recording Secretary