



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

Ernest Cook
Andre Roussel

Unapproved

Minutes - Regular Meeting
Tuesday, February 13, 2018

1. Call to Order and Seating of Members

The regular Meeting of the Essex IWWC was conducted on February 13, 2018 in Room A of the Essex Town Hall at 7:00 p.m.

Attending Members:

Fred Szufnarowski
Daniel Lapman
Jim Hill
Jim Leo
Ernest Cook, Alternate
Andre Roussel, Alternate

Absent Members:

Jeffrey Lovelace
Steve Knauth

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

Seated for the meeting were F Szufnarowski, D Lapman, J Hill, J Leo, E Cook, A Roussel.

MOTION made by J Leo to seat A Roussel and E Cook for the meeting; **SECONDED** by D Lapman;

Voting In Favor: F Szufnarowski, D Lapman, J Hill, J Leo; **Opposed:** None; **Abstaining:** None;

Approved: 4/0/0.

2. Approval of Minutes

MOTION made by J Leo to approve the January 9, 2018 regular meeting Minutes as presented;
SECONDED by E Cook; **Voting In Favor:** F Szufnarowski, D Lapman, J Hill, J Leo, E Cook, A Roussel;
Opposed: None; **Abstaining:** None; **Approved:** 6/0/0.

Discussion: No further discussion.

3. Public Hearing

No public hearing scheduled.

4. Regular Meeting

No applications scheduled.

5. Receipt of New Applications

- Application No. 18-1 – The Nature Conservancy.

An application to install an Alaskan step-pass fish ladder within Dolan Pond.

The applicant proposes to install a fishway at the Dolan Pond dam on the Falls River. The dam will be notched to allow the installation of an Alaskan steep pass fish ladder, set within a walled enclosure upstream of the dam, allowing the passage of fish upstream. This project is a river restoration project to expand access for migration of fish upstream of Dolan Pond dam.

Sally Harold Project Manager, Nature Conservancy and Steve Gephard DEEP Fisheries Division presented.

A temporary track in pad at the driveway edge will be constructed where contractors will gain access to the river around the building. A temporary coffer dam will be installed in the river to create a dry work area. Some sediment will be removed and a footing and two walls will be built upstream into the head pond of the dam to contain a steep pass fishway. The fish will go up a ramp and exit into the pond. During construction, cap stones will be replaced, vegetation removed and notch cut in the dam to accommodate the fishway. Construction will occur over a period of two weeks during summer 2018.

F Szufnarowski noted that this proposal includes for cutting a notch in the dam and questioned if this would be detrimental to the stability of the dam.

S Harold noted that this process would actually strengthen the dam and stated that Nathan Jacobson engineering firm who is under contract to do the designs of the fish passages has dam repair experience and will ensure that this design is structurally sound.

F Szufnarowski stated that the goal is to maintain and improve the integrity of the dam.

The WEO requested that the engineering firm submit a letter in which they will confirm that the integrity of the dam will not be compromised.

A Roussel noted that the temporary dam is proposed to be installed in an area where silt has been collected downstream of manufacturing that's existed for roughly 300 years and questioned the impact of the disturbance.

S Harold reported that she has conducted sediment testing and the sediment came up clean, and she noted that these projects are typically done in the summer when there is a low flow.

A Roussel questioned what method is utilized for the installation prior to pump-out, and what protection measures are in place for the downstream.

S Harold stated that there will not be a good deal of disturbance and she proposes plastic sheeting to be wrapped in front and over the top of the coffer dam. Insofar as gaining access, there is access around the end of the building and there is an old mill race under the building with only one gap that will require a temporary bridge.

S Harold stated that any material that does not go back in around the footings of the two walls, that cannot be used onsite on flood plain, will be hauled away. The contractors will be monitoring the weather pattern and will work around forecasted storms. S Harold stated that this is not a big project, that the fishway is relatively small and the only disturbance will be to a small area where the fishway footprint is situated. The work will be accomplished quickly and any equipment will be removed if a storm is predicted.

F Szufnarowski suggested the addition of a staging area ringed with silt fence for the Mill Pond dam.

A Roussel requested a stockpile plan with notes explaining measures that will be taken to protect the stockpile. A Roussel suggested that the stockpile be covered during the periods of inactivity on site.

MOTION by A Roussel to find **Application #18-1** is substantially complete for **the Nature Conservancy** proposing the installation of an Alaskan steep-pass fish ladder within **Dolan Pond on the Falls River** with the following conditions: 1) The plan shall indicate the temporary staging areas with appropriate E&S measures; 2. The property Name on the plan shall be changed to correspond with what is listed on the application to reflect, "Centerbrook", where applicable; 3) A note shall be provided from the project engineer confirming that the integrity of the dam will be not be compromised during and after construction. 4) Any temporary stored or stockpiled materials will be covered; **MOTION** seconded by E Cook; **Voting In Favor:** F. Szufnarowski, D Lapman, J Leo, J Hill, E Cook, A Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Motion by A Roussel to schedule **Application #18-1, the Nature Conservancy** for the March 13, 2018 regular meeting. Per Section 8.1 of the Inland Wetlands and Watercourses regulations: 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, as defined in Section 2.2 of the regulations. ; **MOTION** seconded by E Cook; **Voting In Favor:** F. Szufnarowski, D Lapman, J Leo, J Hill, E Cook, A Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

6. Section 11 Approvals

- **Application 17A-6 – Conservation Commission for Viney Hill Brook Park.**
Approval to allow the installation of a beaver control device.

Motion by J Leo that the Essex Inland Wetlands and Watercourses Commission concurs with the decision of the Wetlands Agent with regard to **Application # 17A-6, Conservation Commission for Viney Hill Brook Park to allow the installation of a beaver control device; SECONDED** by D Lapman; **Voting In Favor:** F. Szufnarowski, D Lapman, J Leo, J Hill, E Cook, A Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

- **Application 17A-9 – Alexander and Barbara Powers.** Approval to locate an 8' x 16' shed to a point 55 feet from a wetland area at 8 Primrose Ledge. Approved on November 29, 2017.

Motion by D Lapman that the Essex Inland Wetlands and Watercourses Commission concurs with the decision of the Wetlands Agent with regard to **Application # 17A-9, Alexander and Barbara Powers to locate an 8' x 16' shed to a point 55 feet from a wetland area; SECONDED** by J Leo; **Voting In Favor:** F. Szufnarowski, D Lapman, J Leo, J Hill, E Cook, A Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

7. Other Business

E Cook reported on his attendance at the 40th annual meeting and environmental conference of the CT Association of Conservation and Inland Wetlands Commissions which was conducted on November 18, 2017 at the Radisson Hotel, Cromwell, CT. E Cook reported on the workshops that covered topics on the 2017 legal regulatory updates related to Wetlands Law and Regulations. Issues discussed included Enforcement by Wetlands Agencies and site walk protocol. The conference emphasized the need to respect the privacy rights of property owners and limit site walk activities to areas pertinent to the application. Also discussed was the Aquifer Protection Area Program, the protection of water supply, springs and wells. There are 80 towns within the State of Connecticut that have an aquifer protection area and there are 28 specific land uses that may be built near aquifer protected areas, with controls.

8. Correspondence and Invoices

There was no correspondence and there were no invoices.

9. Reports:

a. **Wetlands Official Joseph Budrow**

- The WEO reported on inspection of **Application #17-11, 151 River Road**. J Budrow reported that the Bogaert Construction has demolished the house and poured the foundation. The septic is marked and the additional grading will be done prior to the installation of the matting and the erosion control measures are satisfactory. J Budrow reported that the house should be going up in the next few weeks and he stated that he will provide an update on the matting at the March 13, 2018 IWWC meeting.

F Szufnarowski asked that the ZEO visit this and other sites on a weekly where major construction activities are involved.

- J Budrow reported on **Application 17-8 – the L. C. Doane Company, 4 Main Street, Centerbrook**. This is an application to remove underground contamination in and near a wetland area and noted that there has been delayed and it is anticipated that the work will move forward in May 2018.
- J Budrow reported that **Michael Picard** is on the going back to ZBA for property situated at **175 Saybrook Road** seeking variances in association with replacement and construction of a single family dwelling, the allowance of a pool house and the allowance of construction within the Gateway buffer area. The ZEO reported that M Picard has installed a fence on the property and J Budrow will visit the site to inspect the location of the fence.
- **Vice Chairperson, Dan Lapman asked** J Budrow to visit the site at 99 Westbrook Road related to previously approved permit for **Application #12-9, Greg Peterson**, to make a determination on a possible change in the use of the property. The ZEO will report to the Commission at the March 13, 2018 meeting.
- J Budrow reported on property owned by **T McDowell** situated at **41 Main Street, Essex**, related to the driveway on premises that outlets to Pratt Street. J Budrow stated that the property owners would like to line the driveway and paving stones.

Motion by E Cook to allow the Wetlands Agent to issue an Administrative Permit for **Application #18-A-1, Thomas McDowell, property located at 41 Main Street, Essex**; **SECONDED** by J Hill; **Voting In Favor:** F. Szufnarowski, D Lapman, J Leo, J Hill, E Cook, A Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

- b. **Chairperson, Fred Szufnarowski** reported that at the January 2018 IWWC meeting there was a question related to the July 24, 2017 special town meeting at which the

Selectmen restructured the IWWC roster to comprise of 5 regular members with no liaison positions and two alternate members. The IWWC currently has a roster to include liaisons to the Planning Commission, the Conservation Commission and the Zoning Commission. At the July 24, 2018 it was stipulated that the Selectmen will appoint a new regular member to the IWWC by 12/1/2017. With the 5-member commission a quorum will only require 3 members.

- c. **Planning Commission Representative** – Vacant. No report.
- d. **Conservation Commission Representative, Jeffrey Lovelace** – No report
- e. **Zoning Commission Representative, Jim Hill** reported that the Zoning Commission is scheduled to work on text changes at an upcoming meeting to include an amendment for doggie daycare. There is a Brewery that is interested in setting up shop in Centerbrook at the Witch Hazel factory location.

10. Adjournment

MOTION made by J Leo to adjourn at 8:02 p.m. to the next regularly scheduled IWWC meeting to be held on Tuesday, March 13, 2018 at the Essex Town Hall, 2nd Floor Conference Room A, 29 West Avenue; **MOTION SECONDED** by J Hill; **Voting In Favor:** F. Szufnarowski, D Lapman, J Leo, J Hill, E Cook, A Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

Stella C. Beaudoin
Recording Secretary