



TOWN OF ESSEX
Inland Wetlands and Watercourses Commission

Executive Board
Fred Szufnarowski, Chairman
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29 West Avenue • Essex, Connecticut 06426
Telephone (860) 767-4340 • FAX (860) 767-8509

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

Alternate Members

Andre Roussel
Beth Currie

Unapproved

Minutes - Special Meeting
Tuesday, June 19, 2018

1. Call to Order and Seating of Members

The Special Meeting of the Essex IWWC was conducted on June 19, 2018 in the auditorium of the Essex Town Hall at 7:00 p.m.

Attending Members:

Fred Szufnarowski
Jeffrey Lovelace, Conservation Liaison
Jim Hill, Zoning Liaison
Ernest Cook
Jim Leo
Andre Roussel, Alternate seated for S Knauth

Absent Members:

Daniel Lapman
Steve Knauth
Beth Currie, Alternate

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

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

MOTION made by J Lovelace to seat A Roussel for the meeting; **SECONDED** E Cook **Voting In Favor:** F Szufnarowski, J Lovelace, J Hill, E Cook, J Leo; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. No further discussion.



2. Public Hearing

- **Application No. 18-4 – Park Enterprises, LLC, 21 Grove Street** – An application proposing the demolition of a single family home and an accessory building and to construct a new single family dwelling, a detached accessory building, a new septic system and a driveway crossing all within an upland review area of a wetland area.

J Budrow read the legal notice into the record. J Budrow read a letter submitted by Rick DiAngelo, applicant and member of Park Enterprises LLC dated May 31, 2018 in which he submitted two articles that J Budrow said appeared to be past case law.

Attorney Marjorie Shansky presented for the Applicant. She introduced the additional team members for the applicant:

- Michael Ott, Site Engineer from Summer Hill Engineering
- Abigail Adams, Landscape Architect with A2 Land Consulting
- Michael Klein, Wetlands Scientist and Registered Soil Scientist at Davison Environmental

M Shansky noted that the property had been subject to two prior approvals by this Commission for the crossing and construction of a house in 2010 and renewed in 2015. In both instances the Commission treated these as summary rulings. M Shansky submitted a prior approved wetland permit. She also submitted a letter regarding 2018 findings to the Commission.

Michael Ott next presented. E Cook, F Szufnarowski and J Budrow asked questions which M Ott answered.

M Ott explained the intent of the proposal which is to redevelop the existing lot. The applicant plans to remove the existing home, the barn and the additional outbuilding behind the barn. They would abandon the septic system and remove all existing utility services including the existing water service, then construct a new four bedroom single family residence and a detached barn structure. In addition, the plans call for an associated pool, patio, and pavilion. The driveway would cross the watercourse. There is a small stone culvert at the watercourse now. The previous application that was approved and is now in place is to remove the culvert and put in sixteen feet of reinforced concrete pipe, but M Ott would like the pipe to be twenty feet of twenty four inch pipe. He thinks this would be a safer way to maintain the crossing as well as make it easier to



maintain. Stone masonry walls would be constructed which would contain the driveway and offer aesthetics. E Cook asked how high the end wall is. M Ott said that when they are completed, they are six inches above finished grade. F Szufnarowski had a question about the existing pipe which M Ott clarified for him. New water service will come from Grove Street and pass up the driveway. There will be underground utility services. M Ott pointed out where the septic system for the residences is shown on the map. This system is seventy plus feet from the wetland area and therefore meets Connecticut's code. All of the roof water leaders for the home and barn have infiltration systems that have been sized to store one inch of volume from both the home and barn. F Szufnarowski asked M Ott what his thoughts were about having a clean out for the infiltrator system. M Ott explained that the system is so short and the area is so shallow, he does not think that would be necessary. A Roussel asked M Ott to show him where the silt fence is located on the map. He also asked if north of that location would be disturbed. M Ott pointed out where the fence is located and said there would be no significant changes such as grading; just plantings. A Roussel asked where the stockpiling would be. M Ott said that stockpiling would be outside of the review area. A Roussel does not want stockpiling done by the watercourse, which M Ott said he will make a note of this in the plans. F Szufnarowski has concerns about the water infiltration system not working properly if it gets clogged with leaves, etc. Therefore, he thinks having a clean out would be beneficial. M Ott explained that everything is so shallow that the pipes can be snaked if necessary but he is also okay with having a clean out system. The driveway is two layers of crushed stone and therefore is pervious. M Szufnarowski said that he was not aware that the driveway would be pervious, and M Ott explained why that procedure is standard practice today. About two thirds of the home is in the 100 foot review line. Approximately one third is outside of that. The full patio and pavilion are outside of the 100 foot review area from the wetland. He believes it is a better design crossing for aesthetics, for making people feel safe as they drive across it, and also for maintaining the driveway. F Szufnarowski asked a question about the eastern bank being stabilized and if it is on the plan. M Ott confirmed that yes, it is, but it's not on the plan. They have decided to leave the watercourse alone other than the plantings. F Szufnarowski asked if this would be active erosion now being left alone, M Ott said that he did not know, but it was previously decided to leave the watercourse alone, which the Commission was aware of. A Roussel stated that the rock that is on the channel side appears to be pretty stable. He did not see any deterioration or movement with it when he visited the property. F Szufnarowski asked if that was the west side. M Ott said that portions of the stone are on both sides. J Budrow reminded F Szufnarowski of a comment had been made on the site walk that the walls could remain. There would be no effect on the watercourse if the walls remained versus the flair out plan. The Commission consented.



M Ott stated that there is a letter from 2018 included in the applicants file from the original soil scientist for this property, Richard Shansky from New England Environmental Services and Black Ledge River Nursery. There is also a letter from 2010. J Budrow read the letter dated June 1, 2018. On May 4, 2018 R Snarsky reviewed the wetland boundary (for the first time since 2010) and stated that the wetland and watercourse boundary is shown correctly on the current site plan map. M Ott said that the landscape plan includes construction of two stone masonry walls approximately fifty feet from the edge of pavement and a foundation discharge on the right-hand side of the driveway coming down the watercourse just like the previous application. He mentioned that this is typical practice. J Lovelace asked why the barn is so large. M Ott said the size was chosen by the applicant for their own purposes. He assured the Commission that there is not water service to the barn or septic. Only electricity is to be added. F Szufnarowski asked what size the barn is. M Ott stated that the barn is 32 feet by 36 feet, which equals 1152 square feet. M Lovelace asked if it would be a two story structure with storage above. M Ott said that there would be no storage above. J Lovelace asked how high the barn will be. M Ott stated that it's greater than f feet but does not know the exact number.

M Shansky submitted to the Commission, for the record, a letter showing the Qualifications from Davison Environmental and M Klein.

M Klein next presented. He began with an overview of the project- a redevelopment of an existing single family use with an existing barn, shed plus an existing gray water system. There is a generalized inland watercourse that runs through it from south to north. A substantial portion of the property is essentially all lawn and landscaping. There is a small patch of woods. M Klein stressed that it's important to evaluate the impact of this proposed site to understand the landscape context. It is not a fully natural system, therefore the environmental impact of it is important. M Klein talked about the highway method that he is using and has provided in his report. The principal function of the system as it stands now is a groundwater recharge/discharge system. Most of the area is void from herbaceous cover or ground cover. M Klein said that the area to the south has hardly any native vegetation. There are some invasive plantings in this area. M Klein stated that the area to the north is very narrow, small in size, and an invasive component. There is very little ground cover there. A significant portion of the area contains Norway maple trees. There are a few skunk cabbages. He said that this area does not have much that could support wildlife. M Klein thinks that the stone culvert is not a very efficient conveyor of storm water. Therefore, he does not see any problem with replacing that section. A Roussel asked a question about gray water as it pertains with the current proposal which M Ott answered. A Roussel asked if M Ott thinks that the gray water from the existing house is currently being



discharged into the brook. M Ott said that the gray water makes its way to the brook eventually but does not know if it's going through something such as a drywell first. M Klein said that storm water treatment, which is important for cleaning up the ground, is not present there now. This new system will clean up the sheet flow runoff on portions of the site. M Klein reviewed the initial plans and he made several recommendations to M Ott. M Ott decided to reduce the amount of grading required in the eastern portion of the site, reduce the area of formal lawn, and increase the undisturbed area between the barn and the wetland. M Klein suggested that the blueberry bushes that are in that fenced in enclosure can be reused on the site to help feed the wildlife, etc. M Klein also suggested that it's a good opportunity to enhance the entire system, most specifically the northern portion of the site where there is a significant invasive component and very little understory vegetation in that area. M Klein worked carefully with Abigail Adams to add a significant element- native plantings in and adjacent to the wetland and also to develop sort of a second zone, a transitional between the wetlands and the naturalized species. A Roussel asked if the enhanced wetland area will fill in and add elevation to the understory that's absent today. M Klein answered that there would be more elevation. All of the species that they have selected to plant will be mature and will grow in a shaded environment. He also believes that the leaf fall from Norway Maples prevents vegetation from growing underneath it. This thought is that there is some kind of substance in there that is phytotoxic. A Roussel mentioned that a concern from some of the public is of the visual impact of the barn and that property with what's already planted there. Therefore, A Roussel would like to see some elevation with the plantings on the property.

M Klein said that the wetland enhancement zone has forty three shrubs and small trees. The buffer planting zone has eleven trees and fifty or more shrubs. M Klein addressed F Szufnarowski's concern about the banks, specifically the eastern bank of the northern stretching stream. M Klein said that is always an environmental cost benefit to change the bank to a stable condition by regrading. M Klein said he thinks it will be possible to install some willow tublings which would help stabilize the bank. There are also other low impact, low cost options such as that that can be done. A Roussel asked if there is a culvert on the far left side. M Klein said he didn't see one at the property line but he did see what appeared to be a channelized section of stream with stones on the property in the northwest segment. A Roussel said it didn't appear to him when looking at this that there was active erosion because there would have been damming against the pile of stones. A Roussel thinks it appears to be stable enough that other than some plantings, he wouldn't disturb it. F Szufnarowski asked if the plantings could cause other problems. M Klein is not too concerned with that because they do not aggressively grow large cones, but they do have very aggressive root systems which is why they are a good for stabilizing the bank.



J Budrow had a question for M Klein. He said that the first site plan that was submitted to the Commission showed a silt fence coming diagonally. The Commission was led to believe that to the north, there would be no disturbance. However, the Commission received a new site plan about a week and a half ago with a landscaping plan that to the north of that line had a lot of landscaping. J Budrow asked if any of the existing trees in that area will remain there, in which M Klein stated that more than twenty percent will remain. All of the vegetation that are these enhancement plantings could be installed under the existing canopy, but some of the trees are invasive and many are not in good condition. J Budrow also asked M Klein if the function of this water course is a "Storm Water Conveyance", which isn't listed on the function chart. M Klein said that if you look at the highway method, it clearly states that there may be other wetland function and values that are appropriate to consider in a certain circumstance. F Szufnarowski made a comment that he has been referring to the Army Core of Engineers for insight, however they do not do watercourses.

J Budrow stated that he does not feel it's necessary to read M Klein's five page report because his presentation has already covered everything in the report.

A Adams presented next. She has been working with M Klein to create different zones in terms of the design for the proposed landscaping. Zone one is known as the Naturalized Planting Zone and would wrap around the property from the barn over toward the wetland. Zone 2 is the Wetlands Habitat Enhancement Zone. There is no intention to do any clear cutting, but rather to selectively prune trees that have fallen branches or dead wood, plus remove dead trees for safety reasons and some aesthetic reasons. Zone 3 is the Buffer Planting Zone. There will be some selective clearing from overcrowded trees and transplantings. Japanese Maples would be relocated, and a dogwood would be removed. A significant amount of buffer plantings would be put in this area. Hundreds of herbaceous plant materials would be planted along the banks. As M Klein mentioned, the blueberry bushes would be planted outside of the property for food for the wildlife. A Adams is proposing a screen planting along the eastern and northern property lines to help create a buffer between the neighbor and the barn. A Roussel asked A Adams if all the plants were salt tolerant. A Adams said that she does not know but she will check on that. A Roussel mentioned that arborvitae are attractive to deer. A Adams said that they will be planting the Green Giant arborvitae which is a specific cultivar that is the most deer resistant. F Szufnarowski asked if they are picking out the Norway maples. A Adams said that would be part of the selective pruning, tagging and invasive removal that they have noted in the Wetland Habitat plan from Davison Environment. She does not know if all or just some of the Norway maples would be removed. F Szufnarowski asked if the Trees of Heaven would be removed. A Adams said it would be a good idea to remove those as well. A Roussel noticed some by the drive and on the edge of the lawn. M Klein confirmed what A Roussel



observed and he agrees that they should be removed. F Szufnarowski asked about planting some willow (because of erosion) on the northeastern side, and if it would take over and become dominant. A Adams said it would make sense to do it in specific problem locations. A Roussel asked if there are other alternatives for the bank, such as the native alder, if there is a concern about the willow taking off. A Adams doesn't know if the alder will provide the same stabilization as the willow. M Klein said that the tublings are commercially available as different kinds of shrub willows. At certain times of the year there is a product available that can be bought and if planned in advance and the timing is right, you can get willows, alders and shrub dogwoods. However, that is a possibility. J Budrow asked for A Adams to repeat the buffer that they are proposing between the barn and the property to the east. A Adams said they are proposing Green Giant arborvitae along the property line and a mix of arborvitae and spruce along the northern end of the property. They are proposing that the plants be seven to eight feet tall at the time of install.

M Shansky stated that there was a letter that came in from one of the neighbors but she thought it would be auspicious to let them ask their questions, therefore would like to make sure to reserve some time for response at the end. J Budrow asked M Shansky why she submitted the wetland permit that was last approved. M Shansky answered.

F Szufnarowski opened up questions and comments of fact to the audience. An audience member asked for the site plan to be turned around for the audience to see.

John Senning, resident of Essex asked what the square footage of the house and garage is. He also had questions about the grading being proposed. M Ott stated that the total square footage of the house with the relatively small patio, steps and mechanical pad is 3,936 square feet. (This includes the garage). M Ott addressed J Senning's grading question. He said that there is grading but it is minor. He thinks that there may have been a misunderstanding when J Senning looked at the plans. F Szufnarowski asked M Klein if he made some changes to the site plan to reduce the amount of grading for the northwest portion of the property, which has been done. F Szufnarowski asked if the square footage is footprint or just total square footage. M Ott said that this is footprint. F Szufnarowski asked what the total size of the lot is. M Ott answered about 72,000 square feet. M Shansky said it's 1.66 acres.

Cynthia David, town resident asked if the eastern side of the property is arborvitae, what will happen to the existing hedge there. A Adams answered and explained that the arborvitae is solely on the applicant's property, so the hedge would remain on the property behind. C. David mentioned that ninety percent of the trees are very unhealthy, threatening and dangerous. Some of



the trees have been cut down by neighbors who border that property (at their own expense). A Adams said that their intention is to take down any trees that are dangerous.

S Malan, neighboring resident asked what the length and the pitch of the driveway is. She doesn't understand how the applicant is going to keep it pervious with that grade. M Ott said that the driveway grades are no steeper than five percent (a mild grade) and therefore there should be no issue. S Malan asked how this driveway will be plowed. M Ott answered her by saying that there are tools that are available for plow trucks, etc. S Malan asked what the intended purpose is of a barn that large with no access to it. M Ott did not have an answer. C David, resident asked if the barn at the current time is just a building without living quarters or a bathroom. M Ott said there is no living component there at the present time. C David is concerned that the barn is forty feet away from the waterway. If the applicant wants to make the barn habitable in the future, she wondered if the applicant would have to go through Zoning, etc. to get approval to convert the barn to a house or add on a room or bathroom. F Szufnarowski said that the Wetland Commission's permit for the barn would state "as accepted", meaning no bedroom or bathroom could be added on without coming before the Commission. J Budrow said the applicant would have to go to the Zoning Commission for most likely a public hearing, plus the project would need the town Sanitarians approval. M Shansky reiterated that they are proposing a barn with electrical service only and the permit can state that.

Nick Rojen, town resident, asked M Ott if the natural flow of water from the lot goes toward North Main Street. Although M Ott did not know specific street names, he pointed to an area of the map that is indicative of being North Main Street. N Rojen asked if M Ott has a calculation as to what the pervious versus impervious surface is now and what he expects it to be in the future. M Ott said that the only impervious surface on the lot today are the buildings. N Rojen asked if the increase in the properties square footage would increase the waterflow toward North Main Street. M Ott said no, because a certain percentage of rainfall will be stored underground from the roof areas of both the barn and the home. M Ott is not sure of the overall groundwater flow direction of the property but he would imagine that it goes into the stream and flows north. N Rojen asked M Ott to show him on the site map which way the surface water and ground water will flow.

J Budrow mentioned that page one of the site plan does have a location map which shows the proposed streets.

F Szufnarowski asked if anyone in the audience wanted to speak in favor or against the application.



Attorney John Senning stood up on behalf of Robert Ward and Susan Malan, abutting property owners. They are against this application.

Sigrun Gadwa, Ecologist, Soil Scientist and Wetland Scientist from REMA presented before the Commission on behalf of R Ward and S Malan. She introduced herself as having statements of fact. Their major concern is that this property has a mature hardwood forest with trees that have been able to grow so quickly because of the watercourse from the wetland system being fed by a very shallow groundwater table. (An ample water supply). Unless there is major removal of living trees, she does not think there will be vigorous and healthy growth of the planted shrubs. S Gadwa mentioned that Japanese maples have very shallow root systems. It's difficult to plant native shrubs in the understory of a maple story because of the cutting of roots. She said that shrubs do much better in an open area. S Gadwa said that a key point that was not made by S Klein was that another principle function should have been nutrient transformation and attenuation. Even with a well maintained top notch septic system, in a dense area such as this, there will be elevated nitrogen levels. The present forest serves a significant function of extracting the pollution that is in the groundwater. The main function of the wetlands of the upper review area of the forest on this site is the tree canopy. The production export function via the food train is also important on this site because of the trees, insects, squirrels and birds eating off of the trees, etc. S Gadwa discussed a paper written by Hefting regarding the effectiveness of tall trees taking up nitrogen and dissolving phosphorous. It was found that tree roots from the forest were extracting the nitrogen to grow with. Dissolved phosphorous is also taken out. A monograph by the Journal of American Water Resources Association found that that there were spikes in the nitrogen and phosphorous concentrations in forest streams in the United States which get picked up in streams when grading is done. This will enter the ground water etc., and therefore increase overall pollution.

S Gadwa composed a two page summary of all the various benefits of urban trees and how they are beneficial for air pollution which she submitted to the Commission. Avoidable cutting of trees will cause negative impacts per S Gadwa's summary. An alternative to this that produces less bio-mass is preferable. She also mentioned that one of the characteristics of a habitat is the light level in it. A large house having a lot of nighttime lighting (especially in the upper review area) will have an adverse effect (physical impact) within the wetlands for wildlife.

S Gadwa pointed out that the already permittable application was for a house, barn and garage on a much smaller scale and allowed for the existing soil to remain. With the proposed plan, the pattern of the wetlands will change significantly. She has concerns of turf chemicals and runoff. She also feels that avoidable cutting of multiple trees in the upland review area will cause physical changes



in the temperature, air quality, down water quality, nighttime illumination levels of the wetland corridor, and also the downstream and upstream of the site. This will cause adverse quality of human life, wildlife, foliage and insects. S Gadwa stated that an alternative that removes less bio-mass is preferable.

Ruth Shumaker, Essex resident of the abutting property made a statement that the applicant had approached her in the past and told her not to cut anything near her property because it was her bird sanctuary.

F Szufnarowski asked if anyone in the audience had a statement in favor or opposition of this application.

Karen DiRenzo, town resident spoke on behalf of herself and her husband in opposition of this project. She prepared a letter which she submitted to the Commission. She believes that a new, more resilient structure could be created and this important eco system should be preserved with balance in mind. She is concerned about the barn which will impact portions of the woods. She is also concerned that the proposed pool and deck area will impact the wetlands. She is hoping the Commission will explore a resource efficient solution that has a sustainable outcome.

Attorney John Senning spoke on behalf of R Ward and S Malan, who are in opposition of this project. He read materials into the record, including a Memorandum on behalf of R Ward and S Malan. They are in support of appropriate developments such as what was previously submitted to the Commission but not in support of the project that is now being proposed as they feel this project is pervasive being within 100 feet of wetlands area and has been demonstrated to have the potential to have negative impact to the area. J Senning went on to say that the proposed activity is not only a regulated activity but will also involve a significant or major effect upon the inland wetlands or watercourse on the property. In order to grant this application, the Commission would need to show that there is no other reasonable alternative for the proposed land. J Senning also submitted a chart with what was permitted under the 2015 permit versus what the applicant is now proposing to have permitted.

J Senning said that he was under the illusion that the application was sort of an extension to what was approved twice before, but the concept of that being an extension or a revision of the prior permit is fiction. He mentioned that he has been a resident and has worked in the town since 1959. He believes that this watercourse has been a matter of concern to the town and this Commission for quite some time. He wonders what happens to water that flows through that property at higher



rainfall levels. He does not think that what happens to other properties that are downstream has been taken into consideration by anybody. In a heavier storm J Senning feels it will be found that water will back up to the cross street. He stated that he finds it interesting that a number of people from out of this area are working on this project when they have no specific knowledge of what has been happening with the water on this property for years. J Senning stated that there has been no proof or credible evidence to show that there are no alternative uses for this property.

F Szufnarowski asked if the applicant had any questions. M Shansky said they do not have questions but do have responses to the various comments plus a concluding statement.

M Klein stood and said that they did not get the courtesy to get the information from R Ward and S Malan of the written information in advance so that they could organize a response that is sufficient. M Klein said that nutrient transformation and attenuation is only a significant function if there is a significant input of nutrients. The area to the east of the wetland that drains down through it is forest and does not have any significant input of nutrients. He said that S Gadwa speculated that the groundwater is high in nitrogen and phosphate with no evidence to support that. M Klein mentioned that the existing septic system is close to the wetland (within about 30 feet of the stream) and will be moved substantially further away. The landscaping and development that occurs in the northern portion of the site that's adjacent to and drains down toward the wetland soil will not have any nutrient inputs in that area. It is all native or near-native plant material with a substantial distance from the wetland. The prior plans proposed septic system is the same distance away from the wetland as is being proposed now- more than seventy feet, which is more than a sufficient distance to attenuate any nutrient input into the system. M Klein said that there is no evidence that there's elevated nitrogen in the ground water here, and if there is, then this plan will have no adverse effect on that. All plants and trees remove nitrogen, but a significant factor is the soils. M Klein spoke in regard to the paper that S Gadwa referenced by Hefting to support the notion that the small area of woodland along the stream has an important function to reduce fertilizer inputs. If the lawn is professionally managed, he said that there's no benefit to provide any more nutrients than the lawn needs and in fact there's an incentive against it economically. In regard to the monograph that was cited which stated that the forest streams show an increase to phosphorous adjacent to a clear cut, M Klein emphasized that said there is no clear cutting proposed on this property whatsoever and he does not think that this small patch of treed area should be considered a forest being that it is less than an acre in size to his recollection. He feels it should be considered a small patch of woods. In M Klein's opinion, the idea that the removal of some trees on a portion of the site near the barn would encourage invasives is a far reach. He then went on to explain that the area will be landscaped and will not be left undisturbed



and open. The beds shown on the landscaping plan will be maintained. He does not expect any increase of invasives and mentioned that their plans actually involve the removal of invasives. Where trees are being removed, there will be no existing roots left in the soil. M Klein stated that he will leave the quality of life along the stream corridor to the discretion of the Commission. He mentioned that we do not know what kind of lighting will be used so nothing can be assumed. Currently the impervious surfaces only have surface runoff. With the currently proposed infiltrators, by storing ninety percent of the water volume that enters the site in the infiltrators and allowing it to slowly enter the ground, the infiltrators will allow it to reduce the flashiness of the stream and recharge the water table. M Klein stated that while the infiltrators are proposed at discrete locations, there are several of them, and the water spreads out from those locations and will most likely slope down to the stream. There will be no change in the hydrology of the site or the depth to the water table. There's no evidence that there's a high water table in this area. The risk of runoff from turf management chemicals is greatly exaggerated. M Klein stated that is not typically a problem. The compounds that are used to manage turf don't typically migrate long distances therefore he does not anticipate any significant impact there. M Klein said that the house is smaller than the footprint of the barn. There is grading shown on the plan and the septic system is closer than 100 feet to the wetland. He does not believe that the previous plan, in terms of its impact to the wetland, is accurate. He suggested that if preservation and sustainability is a goal here, then the reuse of an existing property rather than a conversion of aversion property is an appropriate way to achieve sustainability.

M Ott demonstrated on the plans how the water table is shallow throughout the site. The site is sloping, the stream is down at elevation 92 and the highest point of the site is another ten feet higher at 102. M Ott stated that when you have sands and gravels, you will not have a constant water table depth below the surface over a ten foot change in ground surface elevation. M Ott said that the previously approved plan showed all activity being outside of the 100 foot review area. On the approved plan which M Ott referenced to in front of the Commission, the 100 foot wetlands setback is noted and the location of the leaching field is also within that. The leaching field being proposed is 58 feet long and essentially in the same location. J Budrow pointed out that the site plan being used during the meeting was submitted to him via email by a neighbor and allowed to be used by the Commission. M Ott had reviewed the towns file and therefore has a reduced copy. He mentioned the infiltration of roof water from the buildings into the ground, and said that it's standard practice to infiltrate roof water from any size building not continuously through the site (that's not practical, is costly and disruptive) but to put the roof water into the ground in multiple occasions so as to not significantly change the hydrologic patterns of the site. The barn is the only



impervious surface located on that portion of the site, and there are points of infiltration downgradient between the barn and the wetlands to put that water in the ground.

M Shansky submitted the 2010 version of the plan (which is already in the Commissions file). She does not think there are a lot of similarities with the previous and now current proposed plan. It's been established that there are plans to redo the crossing which are designed to reduce wetland impact. The wetland review area is not a restriction from being able to do anything to his area- it is simply reviewable. M Shansky said that this is a very robust and respectful effort to reconcile development and conservation in a sustainable area. She reiterated that only trees that need to be removed for health and safety reasons will be removed. She made a few comments on J Sennings' observations and that he talks a lot about potential adverse impacts but yet never identifies one. She said that it is just a concern of his with no evidence to back up his statement, and therefore cannot be used in support of denying an application. She feels that J Senning has a concern about the impact of wildlife when there have been no studies of what wildlife exists there, but she believes that whatever is there now will be enhanced in its possibility of thriving in this robust planting plan that will make it a friendlier habitat. M Shansky went on to say that the applicant has established its eligibility for an approval from this Commission. There has been no material change to the parcel or its function that would give rise to the availability of a Commission to reverse itself on two prior approvals.

F Szufnarowski asked M Ott for a clarification of the resources that they are trying to protect. M Ott said it is the watercourse which flows from south to north and the two small wetland areas. The upland review area in the extent that measures can be imposed, or areas can be restricted to protect those two resources (the wetland and the watercourse).

F Szufnarowski talked about the concerns that were raised. He does not agree with going from a 24 inch pipe to an 18 inch pipe which will cause a backwater effect. He agrees that the infiltrators are important.

A Roussel stated that the tree removal is more extensive than what he heard on the walkthrough but he thinks the diversity of what they're proposing offsets what could be lost. He asked if the trees will be marked before removal and wants to make sure that there will be no clear cutting. M Ott said that A Adams has mentioned that no clear cutting is being proposed and he recommends having the trees marked prior to removal as well. M Ott said that after the walkthrough, it was later determined that it would make sense to do this once the engineer and landscape architect looked at the property. Therefore, they submitted revised plans on June 11, 2018.



J Budrow asked J Senning how he would like to enter R Ward and S Malan's materials into the record. J Senning moved that they all be entered into the record and numbered in a different numbering fashion than the applicants so that the two can be told apart. J Senning said that he is not going to read aloud the letter from R Ward and S Malan since it has already been submitted into the record and discusses. The comparison chart is part of the exhibit and the third item is the last permit which was submitted by M Shansky but is not being submitted by R Ward and S Malan to avoid redundancy. A plan from Bob Doane dated in 2015 and the first plan from Summerhill Engineers were also entered into the record. J Budrow also asked for a copy of M Ott's plan that was just presented.

F Szufnarowski asked when J Budrow first saw the landscape plan. J Budrow said the he had it the Monday before the meeting but he did not look at it until the Thursday before the meeting. M Ott stated that the landscape plan was submitted to the town on June 11, 2018.

MOTION made by J Leo to close the public hearing; **SECONDED** A Roussel **Voting In Favor:** F Szufnarowski, J Lovelace, J Hill, J Leo; **Opposed:** E Cook; **Abstaining:** None; **Approved:** 5/1/0. No further discussion.

3. Regular Meeting

- **Application No. 18-4 – Park Enterprises, LLC, 21 Grove Street** – An application proposing the demolition of a single family home and an accessory building and to construct a new single family dwelling, a detached accessory building, a new septic system and a driveway crossing all within an upland review area of a wetland area.

J Lovelace has concerns with the barn being within fifty feet of the watercourse and he feels that the barn is too big for the piece of property. He mentioned that no one knows what the intended use is. He also thinks the barn should be moved closer to the house. J Lovelace stated that the septic system is within thirty feet of setback and therefore should be moved over to the pool area so as to not invade that regulated area. He mentioned that most accessory buildings today are 850 square feet and therefore a barn of this size is not appropriate for that location. A Roussel said that from his perspective he does not see anything in the design that seems like a threat to the wetland. J Hill mentioned that that area is littered with buildings that are within fifty feet of the wetland, therefore one more building is not going to make a difference.



J Hill asked if the Sanitarian has reviewed the proposed area of the septic system. J Budrow said that the previous plan must have been reviewed but she does not know if the Sanitarian has seen the revised proposal yet.

J Leo agrees with A Roussel about staying focused on the impact of the wetlands and to not be concerned with the size of the buildings, etc. J Lovelace believes that there are alternatives that are possible besides what this applicant would like to do.

A Roussel does not see a real threat to the wetlands based on the merits and testimony heard at the meeting. He thinks a lot of good design went into protecting them with the current footprint of the land.

F Szufnarowski reviewed the conditions that are to be proposed. The Commission asked questions of clarification to F Szufnarowski which he answered. J Budrow mentioned two conditions that could be made.

MOTION by A Roussel to find **Application #18-4** approved for **Park Enterprises, LLC, 21 Grove Street, Essex**, proposing the demolition of a single family home and an accessory building and to construct a new single family dwelling, a detached accessory building, a new septic system and a driveway crossing all within an upland review area of a wetland area, subject to the following conditions:

1. 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.
2. Should the applicant determine that the permitted activity will not be completed between March 15th and October 15th of the year of initiation, the applicant agrees to appear before the Commission prior to October 15th and present a plan for the stabilization of the site during the non-permitted months.
3. 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.



4. 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.
5. To the north of the stream crossing the existing 18" RCP will be replaced with a 24" RCP pipe.
6. There shall be cleanouts at the roof leaders where they connect to the proposed water infiltration systems. This condition applies to the dwelling and the barn.
7. Stockpile areas shall be shown on a plan at a location approved by the Wetlands Enforcement Official and surrounded by appropriate erosion and control measures.
8. Prior to the on-site pre-construction meeting with the Enforcement Officer, the landscape contractor and the Davison Environmental wetland scientist, the proposed trees that will be removed in the north-end wooded area shall be marked.
9. Fertilizers, if used for ongoing maintenance of lawns and landscaped areas, shall be environmentally-friendly and all treated area shall be flagged for 10 calendar days to show that an application took place.
10. A performance bond shall be established by the Town Engineer for the buffer trees along the north property line and the arborvitae along the northeast property line. Trees to include 36 "Green Giant" Arborvitae, 2 Canaan Fir, 2 Oriental Spruce and 1 Siberian Spruce.
11. As proposed, the barn is not an accessory dwelling. It shall not be connected to any water or sanitary facilities (septic system).
12. Any zoning permit shall condition that the proposed barn be constructed in a way that prevents leakage of stored liquids to get outside of the building.

SECONDED by J Leo; **Voting In Favor:** F Szufnarowski, J Hill, J Leo, A Roussel; **Opposed:** J Lovelace, E Cook; **Abstaining:** None; **Approved:** 4/2/0. No further discussion.

4. Adjournment

MOTION made by J Lovelace to adjourn at 10:34 p.m. **MOTION SECONDED** by J Leo; **Voting In Favor:** F Szufnarowski, J Hill, J Leo, E Cook, J Lovelace, A Roussel; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0. No further discussion.



Shannon E. DeLorso
Recording Secretary

