



TOWN OF ESSEX  
Inland Wetlands and Watercourses Commission

**Executive Board**  
*Fred Szufnarowski, Chairman*  
*Daniel Lapman, Vice Chair*

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Telephone (860) 767-4340 • FAX (860) 767-8509

**Regular Members**

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

**Alternate Members**

*Andre Roussel*  
*Beth Currie*

**Unapproved**

**IWWC Minutes - Regular Meeting  
Tuesday, July 10, 2018**

**1. Call to Order and Seating of Members**

The regular Meeting of the Essex IWWC was conducted on July 10, 2018 in Room A of the Essex Town Hall at 7:00 p.m.

**Attending Members:**

Fred Szufnarowski  
Daniel Lapman  
Jeffrey Lovelace, Conservation Liaison  
Jim Hill, Zoning Liaison  
Steve Knauth  
Ernest Cook  
Andre Roussel, Alternate  
Beth Currie, Alternate

**Absent Members:**

Jim Leo

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

Seated for the meeting were F Szufnarowski, D Lapman, J Lovelace, J Hill, E Cook, S Knauth.



**MOTION** made by E Cook to place Regular Business at the top of the Agenda; **SECONDED** by J Lovelace; **Voting In Favor:** F Szufnarowski, D Lapman, J Lovelace, J Hill, E Cook, S Knauth; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

## **2. Approval of Minutes**

- June 12, 2018 meeting minutes.
- June 19, 2018 special meeting minutes.

**MOTION** made by D Lapman to approve the June 12, 2018 regular meeting Minutes as submitted; **SECONDED** by J Lovelace; **Voting In Favor:** F Szufnarowski, D Lapman, J Lovelace, J Hill, E Cook, S Knauth; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

**Discussion:** No further discussion.

**MOTION** made by J Lovelace to table review and approval of the June 19, 2018 special meeting subject to audio review; **SECONDED** by E Cook; **Voting In Favor:** F Szufnarowski, D Lapman, J Lovelace, J Hill, E Cook, S Knauth; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

**Discussion:** No further discussion.

## **3. Public Hearing**

No public hearing scheduled.

## **4. Regular Meeting**

- **Application No. 18-5 – Dennis Pough, 31 Grove Street**  
An application to locate a 528 sq. ft. house addition to a point 33-feet from a

George Calkins presented on behalf of the owners of the subject property, Adam Calkins and Dennis Pough.

F Szufnarowski stated that the Commission is in receipt a site plan showing installation of silt fence around the work area and the location of the stock pile area.

G Caulkins stated that a stone wall was previously built along the channel.

F Szufnarowski asked if a permit was issued to reconstruct the channel walls.



F Szufnarowski stated for the record that moving forward, on a generic basis the capacity of the channel flow is not to be decreased.

J Budrow stated that the sanitarian has not yet approved the sanitary waste system. There is a possibility that soil testing will need to be conducted on the property.

**MOTION** by E Cook to approve a permit for **Application No. 18-5 – Dennis Pough, 31 Grove Street**. This is an application to locate a 528 sq. ft. house addition to a point 33-feet from a watercourse. 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, section 10.10, the activity pursuant to said permit shall be initiated within 5 years of the date of publication and shall be completed within one year of the date of initiation and will occur between March 15<sup>th</sup> and October 15<sup>th</sup> of the year of initiation.
- b. Should the applicant determine that the permitted activity will not be completed between March 15<sup>th</sup> and October 15<sup>th</sup> of the year of initiation, the applicant agrees to appear before the Commission prior to October 15<sup>th</sup> 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 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.
- e. A site plan will be submitted reflecting the reserve area and septic system as approved by the Town sanitarian.

**SECONDED** by D Lapman; **Voting In Favor:** F Szufnarowski, D Lapman, J Lovelace, J Hill, E Cook, S Knauth; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.



- **Application No. 18-6 – Shaam Sundhar, 86 Bushy Hill Road**

An application to locate an entire septic system to a point 38 feet from a wetland area and to perform grading to a point 20 feet from the same wetland area.

The applicant has requested that this Proposal be tabled.

**5. Receipt of New Applications**

- **Application No. 18-7 – Peter Atkinson, 83 B Main Street, Ivoryton, Assessor's Map 41, Lot 1-1**

This is an application to install a driveway, a driveway crossing, a septic system, modifications to an existing accessory building, a single-family dwelling and site grading within 100 feet of a wetland area.

Chuck Mandell agent for Peter Atkinson who presented on behalf of this proposal stated that this property is comprised of 11.2 acres and there is a garage situated to the south of the wetland. There is a 30-foot access strip from Main Street. The applicant wishes to convert the garage to a 1-bedroom guest house. The garage improvements will be within the same footprint, internal improvements are proposed. This proposal involves a change of use within the current IWWC regulations. C Mandell stated that Richard Snarski, soil scientist flagged the wetlands in 2001. The wetlands crossing has a small water shed and has been sized for 100-year storm event. A gravel driveway is proposed. A short section of the driveway would be paved at the wetland crossing to prevent erosion.

The proposed septic system is 34-feet from the wetland and the Commission recommended that the septic be moved as far away from the wetland as possible.

D Lapman noted that the application is incomplete in that the names and addresses of abutting property owners are not listed. C Mandell was asked to investigate the relocation of the septic system and also notate on the plan the designation of stockpile areas.

C Mandell stated that the wetlands situated on this property is lightly wooded and very shallow.

**MOTION** by J Lovelace to find **Application #18-7** is substantially complete for **Peter Atkinson** proposing to install a driveway, a driveway crossing, a septic system, modifications to an existing accessory building, a single family dwelling and site grading within 100 feet of a wetland area at property situated at **Map 41, Lot 1-1**, with the following conditions: 1) A list of names and addresses of abutters is to be provided with the application; 2) Investigate moving septic away from the wetland; 3) Reflect the stockpile areas on the plan; 4) There is to be no disturbance outside of the graded areas; 5) A date is to be listed on the soil report; 6) Reflect on the plan that the driveway



except for the crossing will be pervious; **MOTION** seconded by D Lapman; **Voting In Favor:** F Szufnarowski, D Lapman, J Lovelace, J Hill, E Cook, S Knauth; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

**Motion** by J Lovelace to schedule **Application #18-7 – Peter Atkinson** for the August 14, 2018 regularly scheduled 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 D Lapman; **Voting In Favor:** F Szufnarowski, D Lapman, J Lovelace, J Hill, E Cook, S Knauth; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

**Discussion:** No further discussion.

### **Section 11 Approvals**

J Budrow reported that there are no new Section 11 Approvals.

## **7. Other Business**

S Knauth commented that he has missed several IWWC meetings due to his travel schedule related to his recent retirement and asked if the Commission would rather he assume an alternate status.

F Szufnarowski noted that this decision would be made by the Selectman. F Szufnarowski stated that the Commission values the input put forward by S Knauth offers at the meetings. F Szufnarowski asked S Knauth to place something in writing and F Szufnarowski will present the question to First Selectman Needleman.

## **8. Correspondence and Invoices**

Habitat Newsletter.

There were no invoices.

## **9. Reports:**

### **a. Wetlands Official**

- J Budrow reported on property situated on Mares Hill Road, J Galazzi - activity has ceased and no further activity on site is proposed.
- J Budrow will reach out again to Leo Jergins, North Main Street Ivoryton. If he cannot connect prior to the end of the week, J. Budrow will issue a Cease and Desist on Monday, July 16, 2018 with a deadline for cessation of activity of July 31, 2018.



- b. **Chairperson, Fred Szufnarowski** reported that if a regular member is absent at a meeting, an alternate will be seated. If an alternate is not seated, they may still participate in the meeting, but they cannot vote.

F Szufnarowski distributed a July 10, 2018 draft of the Public Hearing Process Lessons Learned. After a brief discussion commission members offered a few suggestions. A revised version is attached Page 7 of 7.

- c. **Planning Commission Representative – Vacant.** No report.
- d. **Conservation Commission Representative, Jeffrey Lovelace** reported on a presentation at the June 2018 Conservation Commission meeting by the Essex Land Trust. The Conservation Commission will coordinate with ELT maps for the three Conservation properties within the Conservation Commission's purview, Viney Hill Brook Preserve, Bushy Hill Preserve, Canfield Meadow Woods Preserve.
- e. **Zoning Commission Representative, Jim Hill** reported that the Zoning Commission continues to revise their regulations. Also continued Hearing on the Spencer Corner affordable housing apartments.

## 10. Adjournment

**MOTION** made by D Lapman to adjourn at 8:41 p.m. to the next regularly scheduled IWWC meeting to be held on Tuesday, August 14, 2018 at the Essex Town Hall, 2<sup>nd</sup> Floor Conference Room A, 29 West Avenue; **MOTION SECONDED** by E Cook; **Voting In Favor:** F Szufnarowski, D Lapman, J Lovelace, J Hill, E Cook, S Knauth; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Stella C. Beaudoin  
Recording Clerk



## **Public Hearing Process Lessons Learned**

### **July 11, 2018 Draft**

1. **Room Layout**
  - a. Arrange room so that audience can see presentations.
  - b. Set commission table in an arc, so we can see each other during discussion.
2. **Introductory Remarks**
  - a. Outline how the PH will be conducted
    - i. Applicant's presentation
    - ii. IWWC questions & comments
    - iii. Public questions & comments
3. **Prep the audience**
  - a. IWWC's jurisdiction/purview. Explain that we have to consider impact on wetlands and any readily apparent risks, not "what-ifs"
  - b. Describe all prior activity, so they understand we're not reacting to 3 hours of listening
4. **IWWC Questions & Comments**
  - a. Phrase questions to avoid giving the impression of being in favor or against the application.
5. **Public Questions & Comments**
  - a. Consider inviting audience comments for just the facts and not facts and opinions. Facts are all we can use for a decision.
  - b. Remind presenters during their comments that their "facts" need to be limited to impact on the wetlands, not general/generic remarks on the value to the town or the height of a barn in the review area, for example. When comments clearly are drifting off, we might gently remind the speaker of that point.
6. **IWWC Vote to Close the Hearing**
  - a. Before taking on vote on whether or not to close the hearing:
    - i. Summarize the presented by the parties concerning the pertinent facts pertaining the wetlands, watercourse and review area.
    - ii. Thank everyone for their preparation and clear commitment to the issue - followed by "And we're now going to vote, based on this evidence and prior evidence collected by the commission".
    - iii. If a lot of new material has been presented consider continuing the PH to the next regularly scheduled meeting. This will give the parties time to process the new information. It also could help avoid the appearance of being pre-disposed to a decision or making a quick decision.
7. **IWWC Decision**
  - a. If the issues are straightforward and the need for special conditions is minimal, the Commission could vote on the application immediately after closing the hearing.
  - b. If the application/ issues are complicated or numerous special conditions may be needed, the Commission has 35 days to make a decision after closing the public hearing.
  - c. If a permit is not granted consider clearly stating the reasons why in the decision.

