



TOWN OF ESSEX
Inland Wetlands and Watercourses Commission

Executive Committee
Fred Szufnarowski Chairman
Michael Furgueson, Vice Chair

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

Regular Members
Ernest Cook
Andre Roussel

Alternate Members
David Kirsch
Noreen Brennan- Rowe

Minutes- May 10, 2022 Regular Meeting

1. Call to Order and Seating of Members

The Essex Inland Wetlands and Watercourse Commission (EIWWC) conducted their regularly scheduled meeting on Tuesday May 10, 2022 at 7:00 p.m. The meeting was held both in person and via Zoom (link was provided to the public on the Town of Essex website).

EIWWC Vice Chairman Michael Furgueson was chair and welcomed members of the public to the May 10, 2022 Essex Inland Wetlands and Watercourse Commission meeting. The Inland Wetlands and Watercourse Commission members and attendees announced themselves. Attendees from the public were asked to please identify themselves for the record prior to making any comments.

Attending Members:

Michael Furgueson
Ernest Cook-Secretary
Noreen Brennan-Rowe-Alternate
Andre Roussel

Absent Members:

Fred Szufnarowski
David Kirsch

Staff:

Danielle Sanso- Recording Clerk
Carey Duques- Land Use Official
Robert Doane Jr., P.E.- Wetlands Enforcement Officer
Silvia Rutkowska- Commission Legal Council (Via Zoom)

Audience:

Deborah Jimenez - 17 Main Street Owner
Angela Cole- Representing 17 Main Street Owner
Matthew Padelli (Via Zoom)
Peter Decker- 6 Main Street Centerbrook Applicant

The meeting was called to order at 7:00 pm by Vice Chair Michael Furgueson.

Seated members were Noreen Brennan-Rowe, Ernest Cook, Michael Furgueson, and Andre Roussel.

2. Approval of Minutes

a. April 12, 2022 Regular Meeting Minutes

MOTION made by N Brennan-Rowe to approve the May 10, 2022 meeting minutes with the following amendments;

Page 1- Fred Szufnarowski present in person not via Zoom,

Page 4- add order after “cease and desist or cease and correct”, insert professional soil scientist after R Snarski,

Page 5- Jens changed to J Hupkau, Section 8 separate out Angela Cole and Deborah Jimenez, second to last paragraph- the tree that is partially on 15 Main Street property

Page 6- willow should not be capitalized, spell out number 15 and number 17, change to find viability of the tree, R Doane end statement at stabilize the bank.

Page 7- Insert “the” in front of December

SECONDED by E Cook; **Voting In Favor:** M Furgueson, E Cook, A Roussel, and N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0. **Discussion:** No discussion

b. April 26, 2022 Site Visit Meeting Minutes- Application 22-05 17 Main Street Ivoryton

MOTION made by N Brennan-Rowe to approve the April 26, 2022 Site Visit Meeting Minutes with the following amendment:

Page 1- willow should not be capitalized

SECONDED by E Cook; **Voting In Favor:** M Furgueson, E Cook, A Roussel, and N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0. **Discussion:** No discussion

3. Public Comment

None

4. Update from Attorney Regarding Pending Litigation

None

5. Public Hearings

None

6. Unfinished Business/Action Items

- a. **Application No. 22-04- 18 Rosewood Lane, Ivoryton** Proposal to install an above ground pool to be located within 100 feet of a wetlands. *Applicant/Owner: Matthew and Stacie Padelli (Application received April 12, 2022)*

Applicant Matthew Padelli was present via Zoom for the meeting

M Padelli said that he spoke with the installers about the backflow process and about designating a backflow area. They have not been able to do a site visit with the installer and the Town WEO due to having COVID.

The Commission reviewed the plans. A Roussel said that the discharge area is a very important point since it is a large amount of chlorinated water being discharged in the vicinity of the stream.

B Doane commented that the entire site is within 100 feet and they also need to be careful of the proximity to the well. He also pointed out a ledge outcrop which would prevent the pool from being located elsewhere. When the pool is being installed, he is happy to be there to talk to the installer

M Furgueson asked about dry well being installed under the deck and B Doane said yes that is possible.

A Roussel commented that typically a pool is not drained fully.

B Doane said that the chlorine concentration is usually not that high. He said that pre-construction conference with him and C Duques would make sure everything is done correctly.

MOTION made by N Brennan-Rowe to approve application Number 22-04 for 18 Rosewood Lane Ivoryton. Based on the information presented in this application, the accompanying documents in the record, and on the testimony given at this meeting, the Commission finds that the proposed activity is a regulated activity not involving significant or major effect upon the inland wetlands or watercourse which occur on the property as defined in Section 2.2., and that no reasonable or prudent alternative exists to the proposed plans.

The Commission makes a Summary Ruling and grants a permit and gives permission for the applicant to proceed with the proposed activity as stated on said application and as shown on plans accompanying the application, subject to the following conditions:

1. In accordance with the Commission's Regulations section 11.8, the activity pursuant to said permit shall be for a period of 2 years from the permit's effective date with allowed activity occurring 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 months of no activity.
3. The applicant agrees to follow the advice and direction of the Town of Essex Enforcement Officer with regard to any field changes she/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. Prior to construction, the owner and contractor agree to meet with the Town of Essex Wetlands and Zoning officials and follow any recommendations regarding

discharge and any other measures that are required to protect the wetlands and watercourses.

SECONDED by E Cook; **Voting In Favor:** M Furgueson, E Cook, A Roussel, and N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0. **Discussion:** No discussion

- b. **Application No. 22-05- 17 Main Street Ivoryton** Proposal to remove dead trees located at the edge of Falls River. *Applicant: Angela Cole Owner: Deborah L. Jimenez* (Application received April 12, 2022; Site visit held April 26, 2022)

Angela Cole (representing the applicant) and Deborah Jimenez, owner were both present for the meeting. A Cole reported that there have been no updates since the site walk. She said that the neighbor still has the same feeling about removing the tree. She thinks she is coming along with agreeing with the decision to cut and remove the branches from the dock.

M Furgueson asked S Rutkowska for council.

S Rutkowska said that essentially if there are limbs or branches, trunk on the property of person 1, with limbs on person property of person 2, person 2 can remove branches as long as it does not hurt or injure the tree up to the property line.

M Furgueson asked what is viewed as trimming and what is viewed as damaging.

S Rutkowska replied that killing the tree, pruning that causes deterioration or disease, or causing tree to fall over would be examples of damaging it.

Observation A Roussel recommends moving towards a cooperative solution.

C Duques asked the property owner about the bamboo removal they had mentioned previously.

A Cole said that they would like to include that work in this application and dig it up from the root by hand.

M Furgueson asked for recommendations from R Doane on equipment to use for removal of the branches.

R Doane recommended a mini excavator with arm or claw that can pick up limbs by reaching over the shoreline and bring it up to the driveway. He said it would be better to cut the larger logs into shorter sections, reaching over the shoreline versus dragging them. It is best to do during a dryer week and should only take a day or two.

MOTION made by A Roussel to approve application Number 22-05 17 Main Street Ivoryton. Based on the information presented in this application, the accompanying documents in the record, and on the testimony given at this meeting, the Commission finds that the proposed activity is a regulated activity not involving significant or

major effect upon the inland wetlands or watercourse which occur on the property as defined in Section 2.2., and that no reasonable or prudent alternative exists to the proposed plans.

The Commission makes a Summary Ruling and grants a permit and gives permission for the applicant to proceed with the proposed activity as stated on said application and as shown on plans accompanying the application, subject to the following conditions:

1. In accordance with the Commission's Regulations section 11.8, the activity pursuant to said permit shall be for a period of 2 years from the permit's effective date with allowed activity occurring 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 months of no activity.
3. The applicant agrees to follow the advice and direction of the Town of Essex Enforcement Officer with regard to any field changes she/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. The Enforcement Officer shall review and approve plans prior to work being performed.

SECONDED by N Brennan-Rowe; **Voting In Favor:** M Furgueson, E Cook, A Roussel, and N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0. **Discussion:** No discussion

7. Receipt of Applications/New Business

- a. **Application No. 22-06- 6 Main Street Centerbrook** Witch Hazel Factory Proposal to dredge sediment in a portion of the wetlands on the property and replant.
Applicant: Peter J Decker Owner: Macbeth Ventures LLC

Applicant Peter Decker was present at the meeting

P Decker said that this is a historic property with a watercourse running through it. Whatever they do they are very careful because the watercourse starts in the industrial park and runs down.

He said that the driveway was constructed in 2016 along with some significant engineering that went very well.

He went on to say that in October 2021, during a rainstorm, a wall of water came down from the industrial park due to the culverts being clogged. The structure in

place could not handle the surge of water and the entire lower level of the building was flooded.

They contacted R Snarski and R Doane with the goal of dealing with the immediate issue of the cattails and creating an area that will allow for extra water flow. He said that this is really a maintenance project that will give them a place to hold more water.

MOTION made by N Brennan-Rowe to schedule Application 22-06 6 Main Street Centerbrook for the June 17, 2022 regular meeting.

Per section 7 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 and does not appear to have a significant impact or major effect, as defined in Section 2.2 of the regulations on a wetlands or watercourse.

SECONDED by E Cook; **Voting In Favor:** M Fergusson, E Cook, A Roussel, and N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0.
Discussion: No discussion

- b. **Application No. 22-07- Millrace, Ivoryton** Proposal to construct parking area adjacent to intersection of Walnut Street and Main Street in Ivoryton to enable cars to park off the street and access the Millrace Land Trust property. Proposed work would be within 100 feet of the Falls River. *Applicant: Town of Essex Owner: Essex Land Trust*

R Doane presented the drawing to the commission. He started by saying that there are currently people parking partially on main street or partially on the sidewalk at the western trail head of mill race.

He said that he met at 10:00 that morning at the site with C Duques, Ryan Welch and N Needleman. N Needleman suggested that they run the plans by board of selectmen to get their blessing. He also wants us to look into parallel parking.

The parking lot (paved apron with graven parking) shown has about a 4% slope towards the wetland. It would be 70 feet long (parking lots are usually 60 feet with a 20-foot travel lane in the middle which gives cars extra space for backing up). The site line is good in both directions. There is a 3-1 slope going down and the top of bank is a relatively flat slope of grassed area that drops to the bank which is 3-1 and then 2-1. They are proposing it to be a grassed area that will be blended in and mowed and maintained by the town. There would be a timber guide rail wrapping around the parking area to define it.

MOTION made by E Cook to schedule Application 22-07 Millrace Ivoryton for the June 17, 2022 regular meeting.

Per Section 7 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 and does not appear to have a significant impact or major effect, as defined in Section 2.2 of the regulations on a wetlands or watercourse.

SECONDED by N Brennan-Rowe; **Voting In Favor:** M Furgueson, E Cook, A Roussel, and N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0. **Discussion:** No discussion

8. Section 12 Action by Duly Authorized Agent

None

9. Other Business

a. Attorney to review enforcement process and procedures

Nothing new to report on Birch Mill Trail

10. Correspondence and Invoices

None

11. Reports:

a. Wetlands Official

No update

b. Chairperson

None

12. Adjournment

MOTION made by A Roussel to adjourn the meeting at 8:48 PM until the next regularly scheduled EIWWC meeting to be held on Tuesday June 17, 2022 at the Essex Town Hall, 2nd Floor Conference Room A, 29 West Avenue (alternate location via teleconference);

SECONDED by N Brennan-Rowe **Voting In Favor:** M Furgueson, E Cook, A Roussel, and N Brennan-Rowe; **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0. **Discussion:** No discussion

Respectfully Submitted,



Danielle Sanso