



TOWN OF ESSEX
Inland Wetlands and Watercourses Commission

Officers
Fred Szufnarowski, Chairman
Michael Furgueson, Vice Chair

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Regular Members
Ernest Cook
Andre Roussel
David Kirsch

Alternate Members
Carolyn Field
Noreen Brennan- Rowe

Record of Vote – November 10, 2022

The Essex Inland Wetlands and Watercourses Commission (EIWWC) conducted their regularly scheduled meeting on Thursday November 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).

Members seated for the meeting were Chairman Fred Szufnarowski, Vice Chairman Michael Furgueson, David Kirsch, Andre Roussel, and Ernest Cook.

MOTION made by E Cook to approve the October 11, 2022 regular meeting minutes as amended;

- Page 4 Exhibit D should read as follows: *Recordings, transcripts, and associated documents from all prior enforcement proceedings (11/2/20 and 2/2/21 show cause hearings), including but not limited to all order, photographs and site inspection reports.* Exhibit G: add after R Doane, *with annotations*
Third paragraph after the exhibit list, "...Certified Soil Scientist, *Bob Russo*" "They are requesting that the public hearing be left open to *allow Mr. Russo* be able to respond *as he was unable to attend the meeting*". The last sentence should say "They also included specs on the machine that was used to *remove the materials from the Birch Mill Pond, one aspect of the pending enforcement action.*"
- Page 6 second full paragraph A. Roussel commented that any ~~digging~~ *filling above roots of more than over 2* includes runs the risk.... Add the sentence *The current plan calls for fill of 18" -24" on the down slope side. The area contains several American beech that area already stressed due to an infestation of Beech Leaf Disease.* Paragraph 7: F Szufnarowski *stated* that the Commission ~~has difficulty~~ *cannot granting* a permit for activity done on property not owned by the applicant *without consent.* Last paragraph on page 6 should add *No mention of dredging was made at that time.*
- Page 7 Forth paragraph "A Morin *read from the amended description of work and said 1 to 2 feet...He said that they* ~~We~~ cannot stress enough...." paragraph 7 last sentence should read "The area is growing more now even with the Association spraying for invasive *aquatic* species". Paragraph 8 "On November 5 2020 he was at the site with R Snarski ~~and~~ J Budrow and T McDonald....."
- Page 8 should read as follows:
Area of dredging 2800 square feet

Volume of dredging 4200 *cubic feet*

Area of spoil deposit 2860 *square feet*

Area of existing patio walls and stairs 1300 *square feet*

Third paragraph should read as follows: R Doane stated that *he has decades of experience in this regard and he knows what dug out areas look like*. Final paragraph on page 8 “...Association property that the association would need to *either* be part of the application for any remediation *or provide consent for the work on Association property.*”

- Page 9 third paragraph first sentence replace *are* with *is*. Under Recommendations third bullet point should read Removal of *lower* terrace included in permit *application*. Final bullet should read *Monitor and manage* for invasive vegetation. Last sentence should add after manipulation, *due to risk of further damage*.
- Page 10 Provision should be replaced with *Alternatives outlined in the report*
- Page 11 last paragraph should read *the majority*
- Page 12 Fifth paragraph substitute based on with *as to*. Ninth paragraph should read S Rutkowska asked *whether the applicant would agree to the condition of a bond* established for that amount to cover the expenses of restoration and remediation. A Morin stated that *he could not commit or agree at that time*.
- Page 14 the Motion should read A Roussel to *affirm and revise the Order to include an order to restore pursuant to the planting plan submitted by Doane Engineering and approve the request for permission to work outside of the permitted work period...*
- Page 15 second to last paragraph should read All of the property *in the proposed work area* is in the Industrial Zone. Last sentence of that paragraph should state *plastic bins and roll off containers*. Last paragraph second sentence should state *pervious*
- Page 17 Second paragraph replace *area* with *plan*

SECONDED by M Furgueson; **Voting in Favor:** F Szufnarowski, M Furgueson, D Kirsch, A Roussel, and E Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

MOTION made by M Furgueson to approve the minutes from the October 17, 2022 site walk;

SECONDED by A Roussel; **Voting in Favor:** F Szufnarowski, M Furgueson, D Kirsch, A Roussel, and E Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

MOTION made by M Furgueson to move item 4 executive session to later in the meeting; **SECONDED** E Cook; **Voting in Favor:** F Szufnarowski, M Furgueson, D Kirsch, A Roussel, and E Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

MOTION made by A Roussel to grant an extension for the public hearing regarding IWWC application 22-18 to the December 13, 2022 meeting; **SECONDED** by Michael Furgueson; **Voting in Favor:** F Szufnarowski, M Furgueson, D Kirsch, A Roussel, and E Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

MOTION A Roussel to affirm and approve the Cease and Desist Order for 27 Industrial Park Road Centerbrook and direct that the property owner execute the planting plan as proposed during the month of November. The enforcement fee will be waived due to the cooperation of the applicant; **SECONDED** M Furgueson; **Voting in Favor:** F Szufnarowski, M Furgueson, D Kirsch, A Roussel, and E Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

MOTION made by M Furgueson 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 5 years from the permit's effective date with allowed activity occurring in the year of initiation.
2. 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.
3. 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
4. Periodic site inspections by the Wetland Enforcement Officer/Town Official
5. Planting will be installed per the planting plan submitted by the applicant
6. Any full containers stored overnight will be secured with a waterproof cover
7. Remove cut brush and vegetation from the stream channel and properly dispose of it
8. 72 hours is the maximum limit for storing full containers on site
9. The proposed crushed stone storage area shall remain pervious
10. Any washing of trucks, containers or material on the expanded area, lot 27 Industrial Park Road, Map 44 Lot 37-1, is prohibited

SECONDED by E Cook; **Voting in Favor:** F Szufnarowski, M Furgueson, D Kirsch, A Roussel, and E Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

MOTION made by A Roussel to schedule Application 22-20 for a public hearing on December 13, 2022. Based on the information presented in this application and the accompanying documents, and on the testimony given at this meeting, the Commission will schedule a public hearing for the following reasons (check all that apply):

☒ The Commission finds that a public hearing regarding such application would be in the public interest.

SECONDED by M Furgueson; **Voting in Favor:** F Szufnarowski, M Furgueson, D Kirsch, A Roussel, and E Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

MOTION made by M Furgueson to retain an expert to review application 22-20; **SECONDED** by E Cook; **Voting in Favor:** F Szufnarowski, M Furgueson, D Kirsch, A Roussel, and E Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

MOTION made by A Roussel that the Essex Inland Wetlands and Watercourses Commission concurs with the decision of the Wetlands Agent with regard to Application No. 22-19 5 Carol Drive, Ivoryton.

SECONDED by E Cook; Voting in Favor: F Szufnarowski, M Furgueson, D Kirsch, A Roussel, and E Cook; Opposed: None; Abstaining: None; Approved: 5/0/0; Discussion: No Discussion

MOTION made by M Furgueson to enter into executive session 9:11 PM; **SECONDED** by A Roussel; **Voting in Favor:** F Szufnarowski, M Furgueson, D Kirsch, A Roussel, and E Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

MOTION made by A Roussel to end the executive session at 9:56 PM; **SECONDED** by D Kirsch; **Voting in Favor:** F Szufnarowski, M Furgueson, D Kirsch, A Roussel, and E Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

MOTION made by E Cook to adjourn the meeting at 9:57 PM until the next regularly scheduled EIWWC meeting to be held on Tuesday December 13, 2022 at the Essex Town Hall (alternate location via teleconference); **SECONDED** by D Kirsch; **Voting in Favor:** F Szufnarowski, M Furgueson, D Kirsch, A Roussel, and E Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0; **Discussion:** No Discussion

Respectfully Submitted,

A handwritten signature in black ink that reads "Danielle Schumacher". The signature is written in a cursive, flowing style.

Recording Clerk