

TOWN OF ESSEX
Inland Wetlands and Watercourses Commission

Executive Board
Daniel Lapman, Chairman
Fred Szufnarowski, Vice Chair

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Regular Members
Jim Leo
Steve Knauth
Jeffrey Lovelace, Conservation Liaison
Jim Hill, Zoning Liaison
Vacancy, Planning Liaison

Alternate Members
Bill Cook
Steve Knauth

Unapproved

Minutes - Regular Meeting
Tuesday, February 9, 2016

Call to Order and Seating of Members

The regularly scheduled meeting of the Essex IWWC was conducted on February 9, 2016 in Conference Room A, of the Essex Town Hall at 7:00 p.m.

Attending Members:

Daniel Lapman
Fred Szufnarowski
Steve Knauth chuck
Jim Hill, Zoning
Jim Leo
Bill Cook

Absent Members:

Jeffrey Lovelace

Staff:

Stella Beaudoin, Recording Clerk
Joe Budrow, Zoning Enforcement Officer

Mr. Lapman called the meeting to order at 7:00 p.m.

Seated for this evening's meeting were D. Lapman, F. Szufnarowski, S. Knauth, J. Hill, J. Leo and B. Cook.

MOTION made by D. Lapman to seat B Cook and S. Knauth for this evening's meeting;

SECONDED by J. Hill; **Voting In Favor:** F. Szufnarowski, D. Lapman, J. Hill, J. Leo; **Opposed:**

None; **Abstaining:** None; **Approved:** 4/0/0.

Approval of December 8, 2015 Regular Meeting Minutes

MOTION made by S. Knauth to approve the December 8, 2015 Minutes as presented: **SECONDED** by J. Hill; **Voting In Favor:** D. Lapman, F. Szufnarowski, S. Knauth, J. Hill, J. Leo and B. Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

REGULAR MEETING

- **Application No. 16-01 – Charles N. Doane, III, owner/applicant, Property situated at 100 Plains Road, Tax Assessor Map 53, Lot 18.**

This is an application to replace an existing 20' x 22' barn with a new barn on the same footprint at a point 24 feet from a wetland area.

There are two barns situated on the Plains Road property and this 2.99 acre parcel is about 80% wetlands. There are two dry areas to the front of the lot and it is on this dry portion of the property that the barns are situated. The property has a history of agricultural use. The barn to the northeast was in a state of disrepair and was replaced in 2013. A wetlands permit was previously approved on April 9, 2013 for the construction of a 28' x 50' barn. The applicant is requesting a permit to demolish the old barn and to construct a new barn approximately 20' wide and 22' in length. The second barn is located on a dry knoll to a point 24' from the wetlands. Joseph Budrow, Wetlands Enforcement Agent recommends the installation of sedimentation and erosion control measures prior to the onset of the work, with notification to inspect the site prior to before construction activity begins.

Charles Doane presented. C. Doane stated that there are two structures on the property; a barn which was replaced 2 years ago and there is also a garage on site which is in a state of disrepair. C. Doane proposes to demolish the garage and replace on the existing footprint. A silt fence will be installed to prevent erosion into the wetlands and C. Doane stated that there will be no disruption to the wetlands during construction.

C. Doane distributed pictures of the structure that he proposes to replace and he noted that the building will be used for the storage of farm machinery. There will be no upgrade to the septic as there is no plan to install plumbing in the proposed garage. The building is 20' across the front with an 8' x 16' overhead door, and an overall height of 19'. The back of building is solid, and there will be no windows. There will be walk-in access on north side of the structure and one window will be installed. A double window will be installed on the south side of the building. The siding will be shiplap vertical siding.

J. Budrow commented a large pile of dirt that was observed onsite during the previous construction. C. Doane stated that there was a good deal more dirt than anticipated that was excavated during construction, and it was used for grading purposes at the end of the project. C. Doane state that there will be no stockpile of dirt or materials related to this proposal.

C. Doane stated that he will utilize a small amount of fill to perform minor grading in order to make uniform the driveway that is located just past the existing building.

F. Szufnarowski commended the applicant on the completeness and the quality of his application.

F. Szufnarowski commented on the location of the silt fence which is reflected on the plans as positioned parallel to the wetlands. F. Szufnarowski stated that the fence stops at the build line per the

drawings and he suggested that the silt fence be pulled forward 20 feet or so toward Plains Road, and curled into the disturbed area which will provide more protection to the regulated area.

F. Szufnarowski stated for the record that this is an application to replace an existing use with the exact same footprint that predates the zoning regulations.

MOTION made by F. Szufnarowski to approve a Permit for **Application No. 16-01 – Charles N. Doane, III, owner/applicant, property situated at 100 Plains Road, Tax Assessor Map 53, Lot 18.** This is an application to replace an existing 20' x 22' barn with a new barn on the same footprint at a point 24 feet from a wetland area. Based on the testimony given at this meeting, and the accompanying documents, the Commission finds that the proposed activity is a regulated activity not involving any significant or major effect upon the inland wetlands or watercourse which occur on the property as defined in Section 2.2 of the regulations and that no reasonable or prudent alternative exists to the proposed plans. The Commission members feel that the proposed activities are well suited to the area.

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, 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 15th and October 15th of the year of initiation.
- b. Should the applicant determine that the permitted activity will not be completed between March 14th and October 15th of the year of initiation, the applicant agrees to appear before the Commission 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. Special permission is granted to bring in minor fill to perform maintenance work on the existing driveway.

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

Correspondence and Invoices

- There were no invoices. There was no correspondence.

Wetlands Agent Report - Joseph Budrow

J. Budrow reported on the following enforcement action:

- James Harris, 5 Pine Lake Road. The property owner has sculpted the grading to flatten the hill in order to clear the view and to install a gazebo. This activity is 80 feet from the wetlands. J. Budrow conducted a final site visit to assess what kind of wetlands permit was needed and based on his findings, an IWWC Permit application was sent to J. Harris with a request that he present at the March 8, 2016 meeting. The applicant informed J. Budrow that he was granted permission to excavate in the 1990's by L. Gilliam, former Essex Wetlands Enforcement Officer. However, there is no record on file in the Land Use Office of this approved activity.
- Michael Picard, 175 Saybrook Road. M. Picard previously met with J. Budrow and presented a survey that revealed several trees situated on the front portion of the property, and he requested permission for removal of the same. J. Budrow stated that he approved this action noting that the trees were not located within the purview of the wetlands. However, since that activity, J. Budrow stated that a one-foot high stone wall has been constructed, which J. Budrow viewed from a Hemlock Drive property. J. Budrow distributed to members a photo of the property which revealed the newly constructed stone wall. J. Budrow stated that the Inland Wetlands and Watercourse Commission regulates to 100 feet within the Connecticut River. M. Picard will present to the IWWC in the upcoming month seek Permit approval for construction of the existing stone wall.
- Moehler Instrument property, 126 Main Street, Ivoryton. J. Budrow reported on the abandonment of a septic system that was shared between the Blue Hound restaurant and the Ivoryton Inn. The Blue Hound now has a system that is exclusive to their restaurant and tap room and a new sanitary waste system was installed for the Ivoryton Inn. In-process of the installation, the installer crushed an existing system. J. Budrow stated that Jeff Mertz will re-seed the area in the spring. J. Budrow stated that there was a preexisting brush pile which is situated 20 feet from a wetland area which has been added to and enlarged with additional brush and trees. D. Lapman requested that J. Budrow inform the property owner that the Commission wants the pile of woody debris and the wooden pallets removed.
- Mark Bombaci, Bokum Road, Essex. M. Bombaci owns 40 acres of land on Bokum Road which is situated in an area across from the train tracks. M. Bombaci will present to the Essex Zoning Commission at their March or April 2016 meeting seeking approval to develop a multiple dwelling, senior housing on 10 acres of the forty-acre parcel. J. Budrow stated that four buildings are proposed within the RLC District. The applicant may seek IWWC approval for grading of the back portion of the property.
- Campbell Hudson, Esq. who serves as legal counsel to the Essex IWWC is stepping down as legal counsel to the IWWC. C. Hudson recommended Suzanna McCauley, Esq., a colleague who works at Hudson and Kilby, LLC. S. McCauley has assisted in the oversight of the past IWWC regulation amendments. J. Budrow consulted with David Royston, Esq., Essex Town Counsel who indicated that the Commission must mutually agree in order to bring S. McCauley on board as IWWC legal counsel.

F. Szufnarowski suggested that the Commissioners meet with S. McCauley prior to making a decision on a change in IWWC legal counsel.

J. Budrow stated that when legal counsel is in place, he will schedule a meeting to discuss amendments to the IWWC regulations.

MOTION made by D. Lapman that J. Budrow, F. Szufnarowski and interested IWWC members will schedule time to meet with Suzanna McCauley, Esq., who is an attorney with the firm of Hudson and Kilby, LLC, to discuss the possibility of S. McCauley serving as legal counsel to the IWWC;

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

- **Chair Report – Daniel Lapman:** No report.
- **Planning Commission – Liaison Vacancy.** No report.
- **Conservation Commission – Jeffrey Lovelace, Liaison:** No report.
- **Zoning Commission – Jim Hill, Liaison:**

J. Hill reported that the Zoning Commission is hearing a proposal for reconstruction of the area southwest of the railroad tracks in Essex. The former Essex Junction restaurant along with two homes will be demolished and replaced with 3 buildings comprised of single and two bedroom apartments for a total of 52 units. Nineteen of the units will fall within the Affordable Housing guidelines.

J. Hill reported that the Zoning Commission is amidst consideration for a zone change on Pratt Street, Essex, however discussion has been delayed awaiting feedback from the CT River Gateway Commission. J. Hill stated that the zone change proposes to remove Marine Business from the district, creating a Village Residential (VR) zone only.

J. Hill stated that if approved by the Zoning Commission, the demolition on the Centerbrook Cumberland Farms building and gas pumps will begin construction by October 2016.

Other

There was no other business

Adjournment

MOTION made by D. Lapman to adjourn at 7:45 p.m. to the next regularly scheduled IWWC meeting to be held on Tuesday, March 8, 2016 at the Essex Town Hall, 2nd Floor Conference Room A, 29 West Avenue; **MOTION SECONDED** by J. Hill; **Voting In Favor:** S. Knauth, J. Leo, J. Hill, D. Lapman, B. Cook, F. Szufnarowski; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary