

TOWN OF ESSEX
Inland Wetlands and Watercourses Commission

Executive Board
Daniel Lapman, Chairman
Fred Szufnarowski, Vice Chair

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

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

Alternate Members
Bill Cook
Andre Roussel

Unapproved

Minutes - Regular Meeting
Tuesday, March 8, 2016

Call to Order and Seating of Members

The regularly scheduled meeting of the Essex IWWC was conducted on March 8, 2016 in Conference Room A, of the Essex Town Hall at 7:00 p.m.

Attending Members:

Daniel Lapman
Jim Hill
Jim Leo
Bill Cook seated for F. Szufnarowski
Andre Roussel seated for S. Knauth

Absent Members:

Jeffrey Lovelace
Fred Szufnarowski
Steve Knauth

Staff:

Stella Beaudoin, Recording Clerk
Joe Budrow, Zoning Enforcement Officer

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

MOTION made by J. Leo to seat B Cook for F. Szufnarowski; **SECONDED** by J. Hill; **Voting In Favor:** D. Lapman, J. Hill, J. Leo, A. Roussel; **Opposed:** None; **Approved:** 4/0/0. None; **Abstaining:** None; **Approved:** 4/0/0.

MOTION made by J. Leo to seat A. Roussel for S. Knauth; **SECONDED** by J. Hill; **Voting In Favor:** D. Lapman, J. Hill, J. Leo and B. Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0.

Seated for this evening's meeting were D. Lapman, J. Hill, J. Leo, A. Roussel and B. Cook.

Approval of February 9, 2016 Regular Meeting Minutes

MOTION made by B. Cook to approve the February 9, 2016 Minutes as presented: **SECONDED** by J. Hill; **Voting In Favor:** D. Lapman, J. Hill, J. Leo, A. Roussel and B. Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

REGULAR MEETING

- **Application No. 16-02 – Greg Peterson, 21 Ingham Hill Road.** This is an application to add a 1,088 square foot addition to the rear of a house and to a point approximately 80 feet from a watercourse.

The applicant proposes to add a breezeway and a garage to the existing house. The amount of excavation related to the installation of the garage foundation is to be minimal.

Greg Peterson presented. G. Peterson provided the Commission with a one-page summary on the history related to a previous building permit which was issued to install an in-ground pool sometime between the years of 2003 and 2004. G. Peterson stated that both Dick Leighton, former Essex building official and Larry Gilliam, former Zoning Enforcement Officer visited the property and approved the grading work, which G. Peterson has completed.

G Peterson stated that he is moving into a house on Ingham Hill Road and he would like to construct a breezeway and a garage. G. Peterson stated that this proposal is located eighty feet from the water and eight feet above the water line. The septic system which is located in the front of the proposed garage meets the requirements for setback. The addition will be set on a four-foot crawl space.

J. Budrow, Wetlands Enforcement Agent stated that there is approximately ten feet of flat land between the house and the shed, leading to the water. J. Budrow suggested the placement of silt fencing at the top edge of the property.

MOTION made by B. Cook to approve a Permit for **Greg Peterson, 21 Ingham Hill Road. Tax Assessor Map 78, Lot 04.** This is an application to add a 1,088 square foot addition to the rear of a house and to a point approximately 80 feet from a watercourse. 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 inlands 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. Silt fence is to be installed at the top of the slope, ten feet from construction.

MOTION SECONDED by J. Hill; **Voting In Favor:** D. Lapman, J. Hill, J. Leo, A. Roussel and B. Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

- **Application No. 16-03 – Douglas Wisch, 7 Bank Lane, Essex.** This is an application to allow a 130 foot long, 3 foot high and 3 foot wide stone wall to be located along a portion of Nott Lane up, to a rebuilt bulkhead.

Douglas Wisch presented. D. Wisch stated that he wishes to install a stone wall along the edge of the property with a ten-foot opening to a gate.

J. Budrow stated that local approval is not needed for bulkhead replacement.

D. Wisch stated that he will install a stone wall so as to demarcate the property which will also serve to dissuade customers of the adjacent marina from parking on his lawn. This proposal will not infringe on Nott Lane.

MOTION made by B. Cook to approve a Permit for **Douglas Wisch, 7 Bank Lane, Essex, Tax Assessor Map 47, Lot 80.** This is an application to allow a 130 foot long, 3 foot high and 3 foot wide stone wall to be located along a portion of Nott Lane up, to a rebuilt bulkhead. 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.

MOTION SECONDED by A. Roussel; **Voting In Favor:** D. Lapman, J. Hill, J. Leo, A. Roussel and B. Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

- **Application No. 16-04 – James Harris, 5 Pine Lake Road, Ivoryton.** This is an application filed after the work has been performed, in order for the Commission to make a decision as to whether the grading that has taken place is detrimental to the pond.

James Harris has sculpted the grading on his property 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 approval and no record on file in the Land Use Office of this activity.

J Harris was not present at this evening's meeting.

MOTION made D. Lapman to place Robert Doane, PE on behalf of the Town of Essex, on the Agenda; **SECONDED** by J. Leo; **Voting In Favor:** D. Lapman, J. Hill, J. Leo, A. Roussel and B. Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0

At the September 7, 2015 meeting of the IWWC, a Permit was granted to Application 15-10 on behalf of the Town of Essex, Ivory Street Project to allow for the removal of two existing Ivory Street, road bridges and to allow the construction of two replacement bridges with wingwalls.

R. Doane stated that he is seeking a modification to the previously granted Permit related to Application 15-10 Ivory Street project for a bridge replacement, which included installation of a three sided box culvert to replace each of the existing spans.

The three-sided box culvert installation was proposed in order to preserve as much of the river bottom as possible. However, after review of the construction activity, R. Doane stated that it would be more appropriate to utilize a four-sided box culvert similar to the box culverts installed after the 1982 flood, at West Main Street, Ivoryton and Cheney Street, Ivoryton.

This proposal would be to place the bottom of the culvert two-feet below the existing river bottom, cover the inside of the bottom of the box culvert with two-feet of modified riprap and to allow the natural sedimentation to occur and recreate the effect of the existing river bottom. R. Doane stated that the four-sided box culvert can be installed in less time, therefore limiting the time of disturbance.

The pre-cast concrete forms will have an 18-foot span and will be 7-feet in height. R. Doane proposes to excavate a few feet of stream channel, set the culvert into the channel and place modified rip rap into the culvert. R. Doane stated that the rip rap will fill in over time with organic material and it will eventually simulate the stream channel.

R. Doane stated that this proposal is going out to bid and he indicated that the channels can be shut off while the work is being done.

MOTION made by B. Cook to **Modify Application 15-10 on behalf of the Town of Essex, Ivory Street Project** which was to allow for the removal of two existing Ivory Street road bridges and to allow the construction of two replacement bridges with wingwalls. The modification will allow the placement of a four-sided box culvert to be installed two-feet below the surface with modified rip rap placed into the bottom of the culvert. 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.

SECONDED by J. Leo; **Voting In Favor:** D. Lapman, J. Hill, J. Leo, A. Roussel and B. Cook;
Opposed: None; **Abstaining:** None; **Approved:** 5/0/0

Correspondence and Invoices

There were no invoices. There was no correspondence.

Other Business

MOTION made by D. Lapman to authorize Suzanne McCauley, Esq., to serve as legal counsel to the Inland Wetlands and Watercourses Commission; **Seconded** by J. Leo; **Voting In Favor:** D. Lapman, J. Hill, J. Leo, A. Roussel and B. Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

Wetlands Agent Report - Joseph Budrow

J. Budrow reported on the following enforcement action:

- Administrative Approval for Application 16A-1, property located at 24 Hemlock Drive for drainage improvements. The property owners previously installed a small deck and performed landscaping. There was run-off draining from street to front of property. J. Budrow granted an Administrative approval for the installation of an infiltrator to capture the water flow.
- J. Budrow presented a pond cleaning application report: J. Budrow stated that private parties retain CT Pond Services to clear ponds and water sources located on their respective properties. As a part of this process, homeowners must make application to the CT DEEP for approval to proceed with the work.

J. Budrow stated that no local jurisdiction is required, however the CT DEEP forwards a copy of the permit approval to the Town of Essex for the purpose of the IWWC review. The following pond clearing applications were granted by the CT DEEP:

MacElwee Pond, Dennison Road, Duckweed and watermeal.

Tiley-Pratt Pond, Donald Road, Water milfoil, fanwort and lilies.

Centerbrook Industrial Pond, Industrial Park Road, Duckweed, lilies, phragmites and algae

Birch Mill Pond, Westbrook Road, Milfoil, curly leaf pondweed and algae.

Clark Pond, Pond Meadow Road, Ivoryton, Milfoil, parrot feather and algae.

- Michael Picard, 175 Saybrook Road 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 previously 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. The Inland Wetlands and Watercourse Commission regulates to 100 feet within the Connecticut River. M. Picard was to present to the IWWC at this evening's meeting to seek Permit approval for construction of the existing stone wall. J. Budrow stated that he will meet with Attorney John Bennet, legal counsel for M. Picard.

- **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 approved the zone change on Pratt Street, Essex for village residential.

Other

There was no other business

Adjournment

MOTION made by D. Lapman to adjourn at 7:46 p.m. to the next regularly scheduled IWWC meeting to be held on Tuesday, April 12, 2016 at the Essex Town Hall, 2nd Floor Conference Room A, 29 West Avenue; **MOTION SECONDED** by J. Hill; **Voting In Favor:** D. Lapman, J. Hill, J. Leo, A. Roussel and B. Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary