

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
Andre Roussel

Unapproved

Minutes - Regular Meeting
Tuesday, April 12, 2016

Call to Order and Seating of Members

The regularly scheduled meeting of the Essex IWWC was conducted on April 12, 2016 in Conference Room A, of the Essex Town Hall at 7:00 p.m.

Attending Members:

Daniel Lapman
Jim Hill, Zoning liaison
Steve Knauth
Jim Leo
Bill Cook seated for F. Szufnarowski
Andre Roussel

Absent Members:

Jeffrey Lovelace
Fred Szufnarowski

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, S. Knauth, J. Leo; **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0.

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

Approval of March 8, 2016 Regular Meeting Minutes

MOTION made by B. Cook to table the approval of the March 8, 2016 Minutes as presented:
SECONDED by J. Hill; **Voting In Favor:** D. Lapman, S. Knauth, J. Hill, J. Leo, B. Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

REGULAR MEETING

- **Application No. 16-04 – James Harris, 5 Pine Lake Road.** This is an after-the-fact application 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 previously 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.

James Harris presented on behalf of this application. J. Harris distributed a written synopsis of "Permission to Grade Lot" at 5 Pine Lake Rd., Ivoryton which has been made a part of the file.

J. Harris stated that he purchased the land in 1995. In a conversation with Larry Gilliam, former Wetlands Enforcement Officer, he stated that there were discussions surrounding setbacks and indicated that L. Gilliam allowed permission to level and grade the lot up to the lot lines, and to grade the backyard in the location of Wrights Pond, inside of the 50' wetlands setback, providing that the grass was not planted within 50' of the pond.

J. Harris stated that he previously received permission from the Town, i.e., zoning and wetlands for every step that he has performed on his property. J. Harris stated that he has notes from conversations and plans that were approved by Dick Leighton, former Essex Building Inspector and Larry Gilliam. J. Harris stated that there has been no activity in the past year on the property. J. Harris stated that he performed grading on the property utilizing a pick axe and shovel in May of 2015, which occurred 70 feet from the pond. He also pulled branches and removed trees by the water, utilizing a backhoe to remove branches out of the water and a tractor to level the area after the branches were pulled. However, there was no extensive grading performed. J. Harris stated that this was basic maintenance of the area and he did not know an IWWC permit was required in order to do so.

J. Budrow stated that the area in the vicinity of the pond was dug in 1997 and may now require remediation. J. Budrow stated that since the work, the pond is in good condition.

MOTION made by D. Lapman to conduct a site inspection on behalf of **Application #16-04, James Harris, 5 Pine Lake Road.** **MOTION SECONDED** by S. Knauth; **Voting In Favor:** D. Lapman, S. Knauth, J. Hill, J. Leo, and B. Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

J. Budrow will arrange a time with J. Harris for the site inspection and inform the Commission via email.

- **Application No. 16-05 – Paige Lescure, 36 Mack Lane, Essex.** This is an application for two improvements to the property. The first is construction of a detached garage at 16' x 22' that would

come to a point 78 feet from the edge of the water. A second improvement would be to allow a 7' x 12' addition to the existing home to a point 39 feet from (Middle Cove) the same point.

The property is a .58 parcel on the shore of Middle Cove on which there is a single family home along with two small sheds. The property is ringed by a ribbon of tidal wetlands, however it is North Cove from which the 100' upland review area places this proposal before the IWWC.

On September 20, 2011 the IWWC conducted a site walk to assess a proposal for the demolition of the existing house and the replacement with a larger house. that plan was from a previous applicant and was withdrawn. This plan proposed to keep the existing house.

John Beveridge architect presented on behalf of the applicant. J. Beveridge distributed modified plans which reflects the new building in the rear of the property. This plan proposes to build behind the flood line and somewhat into the 100-foot wetland review area. J. Beveridge stated that this proposal will remove the ship's ladder staircase and replace with a new stairway, fireplace, second floor bedroom over the existing first floor living room footprint, and to install a one-car barn and storage shed. The shed will be situated on a typical 3/6' footing. A gravel driveway will be installed between the Town right-of-way and the proposed barn structure.

J. Budrow stated that the Gateway Commission has reviewed this proposal and there are no issues.

- **MOTION** made by B. Cook to approve a Permit for **Application No. 16-05 – Paige Lescure, 36 Mack Lane, Essex.** This is an application to allow a small addition to an existing house to a point 39 feet from Middle Cove. Also to allow a 16' x 22' detached garage to a point 78' from the same point. 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. A gravel driveway will be installed between the town right-of-way and the proposed barn structure.

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

- **Application No. 16-06 – Bokum One, LLC, Bokum Road, Essex.** This is an application to allow duplex style condominiums with property development and septic systems within 100 feet of a wetland area.

The property at Bokum Road is a 10 acre parcel and the lot is currently vacant. The wetlands are situated to the back and to the south side of the property. There is a railroad track on the west edge of the lot. Bokum Road runs along the boundary. This application proposes the development of the northern portion of the lot featuring four duplex condominiums, 8 units total, with full foundation and basements, with slab on the bottom. This is a RRC 55+ community. Also proposed are stormwater and utility improvements. A crescent driveway/parking area would be to the east of the buildings and four or five, code-compliant septic systems will be attached to the rear of the buildings. There will be a large back yard which will be the common area. A portion of the development will be within 100' of a wetland area.

Presenting on behalf of this application were Seamus Moran, P.E., Indigo Land Design, Robert Russo, soil scientist and Mark Bombaci who co-owns the LLC, Bokum One, which he formed with his brothers for the development of this 10-acre property.

S. Moran stated that there are two small vernal pools onsite; one is 190' feet and the second is 650' to the nearest building. There are 1.44 acres of wetlands and .1 acre of vernal pools. The development is proposed to be situated on the northern most corner of the lot and the nearest point from the wetlands is 120' to the nearest building, with units 1 and 2 proposed to be situated 20' from the 100' review area. Proposed work within the 100' includes some minor grading. The liter drains will be installed underground and the personal liter drains will go into the storm water basin. S. Moran stated that he did not encounter any ledge when drilling for test holes. There is a boulder in the driveway however it has not been determined if there is ledge in and around the boulder. Single bay driveways are proposed with contour 36 wetlands elevations. There is a downward slope from the property with downward swale taking run-off 150' away from the wetlands.

MOTION made by S. Knauth to conduct a site walk on Tuesday, April 19, 2016 at 5:30p.m. on behalf of **Application No. 16-06 – Bokum One, LLC, Bokum Road, Essex;** **MOTION SECONDED** by B. Cook; **Voting In Favor:** D. Lapman, J. Hill, J. Leo, S. Knauth and B. Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. Members will park just across from the railroad tracks.

- **Application No. 16-07 – Jon and Margaret Morris, 5 Riverview Street, Essex.** This is an application to allow the demolition of an existing home and accessory building. Then to allow the construction of a new house and accessory building and driveway and septic system within 100 feet of North Cove.

This property is a .54 acre, flat, man-made peninsula with a single family home to the east and an accessory garage structure to the west. The property projects into north cove. This proposal is to allow the removal and replacement of each of the structures. To the east would be a new single family dwelling that would conform to all FEMA standards and to section 103 Flood Plain district of the Essex zoning regulations. If approved, this proposal will also require approval for variances from the Zoning Board of appeals, from the Gateway Commission, from the Zoning Commission and from the State of CT OLISP.

Seamus Moran, P.E., Indigo Land Design presented on behalf of this application. S. Moran stated that there are no inland wetlands onsite however the entire property is within 100-feet of the coastal jurisdiction line of the CT River. There are tidal wetlands to the north and south of the property.

S. Moran indicated that there are three existing buildings related to this property; two situated on western side of the property and the house is situated on the eastern property line. The applicant is proposing to remove the buildings and construct a garage and a new dwelling with a code compliant septic system. The garage is proposed to be situated closer to the CT River and that proposal will go before the Zoning Commission for approval. There is an existing gravel driveway that is on the north side of the building and there will be no plumbing in proposed garage, however there will be work space upstairs. The current residence is seasonal and the proposed residence will be a year-round residence.

- **MOTION** made by B. Cook to conduct a site inspection Tuesday, April 19, 2016 at 6:30pm on behalf of **Application No. 16-07 – Jonathan and Margaret Morris, 5 Riverview Street, Essex.** This is an application to allow the demolition of an existing home and accessory building. Then to allow the construction of a new house and accessory building and driveway and septic system within 100 feet of North Cove. **MOTION SECONDED** by S. Knauth; **Voting In Favor:** D. Lapman, J. Hill, J. Leo, S. Knauth and B. Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

Correspondence and Invoices

There were no invoices. There was no correspondence.

Other Business

J. Budrow reported that another permit went to State of CT for mosquito control along the Falls River Cove and some of the islands situated within the river.

Wetlands Agent Report - Joseph Budrow

- J. Budrow will meet on Friday April 15, 2016 with Attorney John Bennet legal counsel for 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 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 will present to the IWWC at the May 2016 meeting to seek Permit approval for construction of the existing stone wall.

- **Chair Report – Daniel Lapman:**

D. Lapman reviewed with Commissioners the protocol and procedure for site walk inspections.

- **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 reviewing the Cumberland Farms gas station and convenience store proposal which involves considerable movement of the store to the rear of the lot, and a revised septic and revised gasoline storage area. There is a large pond to the rear of the building that appears to be lower than the rest of the ground level. The pond is 150 feet from the structure. The site was originally built (on a waiver) just after WWII and this proposal represents an increase in the size of the building and the storage.

Other

There was no other business

Adjournment

MOTION made by D. Lapman to adjourn at 7:55 p.m. to the next regularly scheduled IWWC meeting to be held on Tuesday, May 10, 2016 at the Essex Town Hall, 2nd Floor Conference Room A, 29 West Avenue; **MOTION SECONDED** by J. Hill; **Voting In Favor:** D. Lapman, S. Knauth, J. Hill, J. Leo, B. Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary