

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, July 12, 2016

Call to Order and Seating of Members

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

Attending Members:

Dan Lapman
Fred Szufnarowski
Jeff Lovelace
Jim Hill
Jim Leo
Bill Cook seated for S. Knauth
Andre Roussel

Absent Members:

Steve Knauth

Staff:

Stella Beaudoin, Recording Clerk

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

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

Approval of June 14, 2016 Regular Meeting Minutes and May 13, 2016 Site Walk Minutes

MOTION made by D. Lapman to approve the June 14, 2016 Minutes with following amendments; Include the following relevant to **Application No. 16-9 – Jerry Gualazzi, 102 Mares Hill Road.** “A

Commissioner questioned if floor drains would be going in the pole barn and the answer was no.”;
SECONDED by J. Leo; **Voting In Favor:** D Lapman, J. Leo, J. Hill, F. Szufnarowski, J. Lovelace, B. Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

REGULAR MEETING

Receipt of **Application 16-10 on behalf of Michael Rosano, 21 Old Dobbin Lane, Tax Assessor Map 65, Lot 38A-3, RU Zone.** This is an application to approve a recent tree cutting and to allow the removal of additional trees.

This is an application to inform the Commission as to the extent of the activity that has taken place in the wetland buffer. Previously, the applicant cut several trees however it is unclear how many of those trees were situated in a location that is within the purview of the IWWC. The property owner has applied for a Permit to approve the tree removal that has occurred and to seek permission for the removal of a few additional trees in the area of the yard.

M. Rosano stated that he cut down trees in his yard and he was not aware of the 100-foot buffer as related to the wetlands. Subsequent to the tree removal, J. Budrow met with M. Rosano and advised the homeowner to apply for a Wetlands Permit.

F. Szufnarowski advised the applicant to wait for the planting season before he removes the stumps.

The applicant stated that he does not intend to remove the stumps.

MOTION made by F. Szufnarowski to approve a Permit for **Application 16-10 on behalf of Michael Rosano, 21 Old Dobbin Lane, Tax Assessor Map 65, Lot 38A-3, RU Zone.** This is an application to approve a recent tree cutting and to allow the removal of additional trees. Based on the testimony given at this meeting, the Wetland Enforcement Officer’s site visit, 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. The Commission permits the applicant to conduct work between March 15th and October 15th of the year of initiation. The applicant will be allowed to cut trees however in-process he may not disturb the ground or pull up roots.
- b. The applicant agrees to follow the advice and direction of the Town of Essex Enforcement Officer with regard to any field changes he/she 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. No disturbance of the ground between October 15th and March 15th, in that there will be no stump removal.

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

Application No. 16-11 on behalf of Joseph Mendler, Heron Pond Road, Map 71, Lot 5, RU Zone. This is an application to approve the continuance of brush and tree clearing on an existing parcel of land, and to vegetate with grass.

This unnumbered property at Heron Pond Road is a 1.37 acre parcel which is predominantly flat until it begins to slop downward into a wetland area that is 220 feet off of the road. The property owner has cleared a portion of the lot within 100 feet of a wetland area and J. Budrow Essex Zoning Enforcement Officer found the regulated activity to be in violation of Section 6 of the Inland Wetlands and Watercourses Regulations for the Town of Essex, and as a result, issued a Cease and Desist on June 28, 2016 for immediate cessation of activities.

The property owner has submitted a Permit application in order to present to the Commission the extent of activity that has been conducted to include brush clearing and tree removal, and he has submitted a site plan that shows a proposed Sequence of Construction. J Mendler indicated that the house may be constructed in the future and a substantial amount of activity is proposed within 100 feet of the wetlands.

Joseph Mendler apologized to the Commission for conducting work without first obtaining a Permit and he referenced a site plan and noted that the lot which he started clearing is an L shape and located on Heron Pond Road. J. Mendler stated that there is a water reservoir, a 20,000 gallon tank situated on the property. The applicant proposes to construct a house on this lot, however J. Mendler indicated that he started cutting back brush and a few dead trees in order to stake out the property and to obtain a better idea of where he will situate his house.

MOTION made by F. Szufnarowski to approve a Permit for **Application No. 16-11 on behalf of Joseph Mendler, Heron Pond Road, Map 71, Lot 5, RU Zone.** This is an application to approve the continuance of brush and tree clearing on an existing parcel of land, and to vegetate with grass. Based on the testimony given at this meeting, and the accompanying documents, and the site visit conducted by the Wetlands Enforcement Agent, 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 five 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 B. Cook **Voting In Favor:** D Lapman, J. Leo, J. Hill, F. Szufnarowski, J. Lovelace, B. Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Correspondence and Invoices

There was no correspondence and there were no invoices.

Other Business

Bob Fitzgerald 43 Main Street, Ivoryton audience member requested to be placed on this evening's Agenda.

MOTION made by D. Lapman to place B. Fitzgerald, 43 Main Street, Ivoryton, CT on this evening's Agenda; **SECONDED** by J. Leo; **Voting In Favor:** D Lapman, J. Leo, J. Hill, F. Szufnarowski, J. Lovelace, B. Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

B. Fitzgerald stated that there is a manmade pond and a circular driveway on the property and he indicated that he previously received permission from the IWWC to dredge. B. Fitzgerald stated that the pond is once again filled with silt and debris and he noted that the inflow of water comes from Johnnycake Lane and also from three storm drains on located on Main Street. The water comes through the property and passes through a swale on the property. B. Fitzgerald stated that because the expense of dredging is sizeable, he is looking to close the pond. B. Fitzgerald spoke with a contractor to see if what he was proposing was feasible and he was advised to speak with the IWWC. He stated that he previously contacted the State of CT who informed him that this body of water was not within their purview.

F. Szufnarowski stated that he would not want to exacerbate the silt condition. The Commission wants to ensure that there will be no erosion, no future cause for environmental problems and no effects downstream which would impact the neighboring properties.

D. Lapman suggested that B. Fitzgerald speak with J. Budrow

- **Wetlands Agent Report - Joseph Budrow** – No report.
- **Chair Report – Daniel Lapman:** No report.
- **Planning Commission – Liaison Vacancy.** No report.
- **Conservation Commission – Jeffrey Lovelace, Liaison:** No report.
- **Zoning Commission – Jim Hill, Liaison:** The Zoning Commission will review the apartment project at the next Zoning Commission meeting. They have been approved with substantial conditions, however the applicant has not responded.

Other

There was no other business.

Adjournment

MOTION made by D. Lapman to adjourn at 7:25 p.m. to the next regularly scheduled IWWC meeting to be held on Tuesday, August 9, 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. Leo, J. Hill, F. Szufnarowski, J. Lovelace, B. Cook; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary