

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, August 9, 2016**

**Call to Order and Seating of Members**

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

**Attending Members:**

Dan Lapman  
Fred Szufnarowski  
Jeff Lovelace  
Jim Leo  
Steve Knauth  
Bill Cook  
Andre Roussel

**Absent Members:**

Jim Hill

**Staff:**

Stella Beaudoin, Recording Clerk  
Joseph Budrow, Zoning Enforcement Officer

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

Seated for the meeting were D. Lapman, F. Szufnarowski, J. Lovelace, J. Leo, S. Knauth.

**MOTION** made by D. Lapman to add William Freeman to the Agenda; **SECONDED** by S. Knauth;  
**Voting In Favor:** D Lapman, J. Leo, F. Szufnarowski, J. Lovelace, S. Knauth; **Opposed:** None;  
**Abstaining:** None; **Approved:** 5/0/0.

### Approval of Regular Meeting Minutes July 25, 2016

**MOTION** made by J. Leo to approve the July 25, 2016 Minutes with following amendments; 1. Page 3, Section E of Permit conditions: replace the word “in” with the word “and”; 2. Page 3, second paragraph: replace the word “slop” with the word “slope”; 3. Page 2, under Permit condition A, to read “*between October 15 to March 15*”; **SECONDED** by J. Lovelace; **Voting In Favor** D. Lapman, F. Szufnarowski, J. Lovelace, J. Leo, S. Knauth; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

### REGULAR MEETING

- **Application No. 16-12 – Robert Fitzgerald and Britt Nystrom, 43 Main Street, IVTN -**  
A request to allow improvements to existing drainage by abandoning a pond and filling.  
Also, to allow existing drainage to directly flow to Falls River.

R. Fitzgerald presented on behalf of this proposal. B. Fitzgerald stated that there is a manmade pond on the property and he indicated that he previously received permission from the IWWC to dredge.

R. 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 located on Main Street, on the Copper Beach Inn property. His property is located opposite the Copper Beach Inn and Johnnycake Lane. R Fitzgerald stated that the water flows across his property and into piping under driveway and into an existing pond, and exits property into a small swale, and continues on into the Falls River. R. Fitzgerald stated that he is seeking approval to pipe the existing water straight across property and to fill in the pond. R. Fitzgerald stated that he spoke with G Washburn who is his neighbor, and G. Washburn stated no opposition to this proposal. However, G. Washburn asked that he be provided with the anticipated date and time of the work.

J. Lovelace commented on the on-site, existing concrete, noting that the water cannot percolate into the ground as long as the concrete is in place. R. Fitzgerald stated that he would be willing to break up the concrete utilizing a backhoe.

J. Budrow suggested a site walk to review the pond area and the swale that is located on property owned by G Washburn. J. Budrow will invite Robert Doane, P.E. to attend the site walk.

S. Knauth stated that the existing swale would stop any runoff before the water flow reached the grass, and from an environmental perspective that creates a desirable situation.

**MOTION** made by S. Knauth to conduct a site walk with R. Doane and G Washburn in attendance on Tuesday, August 16, 2016 at 6:00 p.m. Members will meet at the applicant’s property; **SECONDED** by J. Lovelace **Voting In Favor:** D Lapman, J. Leo, S. Knauth, F. Szufnarowski, J. Lovelace; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

**Application No. 16-13 – Roger and Stephanie Gatto, 66 Dennison Road, Essex** – A request to allow a 640 square foot house addition off the rear of the existing house to a point 40 feet from an intermittent watercourse.

R. Gatto presented on behalf of this proposal and stated that he is seeking approval to construct an addition to the existing structure and in-process, to remove the deck and the four-season sunroom.

R. Gatto stated that the intermittent waterway on his property which he believes originates from a vernal pool situated in the Canfield Park area, is dry from mid-June through December/January.

J. Budrow stated that silt fencing with hay will be installed during the time of construction.

J. Budrow stated that the applicant will petition the health department, zoning and obtain a building permit.

R. Gatto stated that he expects the installation of the foundation and associated groundwork to extend beyond the October 15<sup>th</sup> IWWC cut-off date to mid-November, however the area in which they will be working is dry.

**MOTION** made by F. Szufnarowski to approve a Permit for **Application No. 16-13 – Roger and Stephanie Gatto, 66 Dennison Road** – A request to allow a 640 square foot house addition off the rear of the existing house to a point 40 feet from an intermittent 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 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 15<sup>th</sup> and November 15<sup>th</sup> of the year of initiation.
- b. Should the applicant determine that the permitted activity will not be completed between March 15<sup>th</sup> and November 15<sup>th</sup> 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. Erosion and sedimentation control measures will be followed, as directed by J. Budrow, Zoning Enforcement Officer.

**MOTION SECONDED** by J. Leo; **Voting In Favor:** D Lapman, J. Leo, S. Knauth F. Szufnarowski, J. Lovelace; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

**Other Business:**

- Bill Freeman, Celebration Design and Build, Developers of Heron Pond subdivision in 2007. B. Freeman distributed a draft plot plan to members and he stated that the applicant would like assurance from the Commission that the proposed location of the house and the septic system is agreeable with the IWWC. B. Freeman stated that the subdivision was approved over ten years ago. B. Freeman stated that there is a conservation easement that wraps around the entire property.

J. Budrow stated that this a preapproved lot and he noted that the upland review area has changed since the inception of the development and approval of the subdivision. The applicant is looking for direction of this conceptual plan before they have an A-1 survey prepared. J. Budrow further noted that a motion is not necessary however the applicants are seeking the Commission's feedback.

F Szufnarowski stated that the 60-foot review area has changed since original subdivision approval, which be taken into consideration.

D. Lampan stated that it is the consensus among the members that the applicant come back before the Commission with an application.

- 32 Ingham Hill Road, potential septic repair. J. Budrow stated that there is a home on Ingham Hill Road with a swimming pool which is situated to the south and a garage and situated to the north is a very narrow backyard through which a vehicle cannot pass. There is a pond behind the property and a septic system located under the lawn. The property owner will seek a permit for a septic repair which is located within 100 feet of a wetland. J. Budrow stated that there is no way to get a truck back to the location of the septic system. The property owner's are seeking this approval for an eventual resale of the property. D. Lapman suggested that the homeowner's come back to the IWWC when they have a proposal for the repair and a formal application has been submitted.

**Correspondence and Invoices**

There was no correspondence and there were no invoices.

- **Wetlands Agent Report - Joseph Budrow** – 175 Saybrook Road – Picard.  
J. Budrow reported that pictures were taken from nearby properties showing a 1' high stone wall was constructed. J. Budrow visited the site with Attorney John Bennet on May 3, 2016 and that visit revealed the installation of a wall and a new set of stone steps to a patio/landing near a dock. J. Budrow spoke with Mr. Picard today and informed him that he must present an application before the IWWC.
- J. Budrow reported that he has a meeting scheduled with Attorney Suzanna McCauley on Thursday, August 18, 2016 to discuss amendments to the current IWWC regulations.

- J Budrow reported that he received a phone call in the past week regarding a potential oil spill in Falls River and J. Budrow stated that he visited the site and spent quite a while reviewing the area, however he did not detect any oil spill.
- **Chair Report – Daniel Lapman:** No report.
- **Planning Commission – Liaison Vacancy.** No report.
- **Conservation Commission – Jeffrey Lovelace, Liaison:** No report.
- **Zoning Commission – Jim Hill, Liaison:** No Report
- Bill Cook reported on a municipal wetlands informational meeting he attended which covered FOI , site walks and protocol for expert testimony at meetings.

### Adjournment

**MOTION** made by S. Knauth to adjourn at 7:55 p.m. to the next regularly scheduled IWWC meeting to be held on Tuesday, September 13, 2016 at the Essex Town Hall, 2<sup>nd</sup> Floor Conference Room A, 29 West Avenue; **MOTION SECONDED** by J. Leo; **Voting In Favor:** D Lapman, J. Leo, S. Knauth, F. Szufnarowski, J. Lovelace; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

Respectfully submitted,

Stella C. Beaudoin  
Recording Secretary