

TOWN OF ESSEX  
**Inland Wetlands and Watercourses  
Commission**

**Executive Board**  
*Daniel Lapman, Chairman*  
*Charles Corson, Vice Chairman*

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

**Regular Members**  
*Nancy Arnold*  
*Fred Szufnarowski*  
*Claire Tiernan, Planning Liaison*  
*Jeffrey Lovelace, Conservation Liaison*

**Alternate Members**  
*Steve Knauth*  
*Jim Leo*

**Unapproved**

**Minutes**  
Regular Meeting

**Tuesday, February 12, 2013 at 7:30 P.M.**  
Town Hall, 29 West Avenue  
Second Floor Conference Room B

**Call to Order and Seating of Members**

The regularly scheduled meeting of the Essex IWWC was conducted on February 12, 2013 in the Conference Room A, of the Essex Town Hall at 7:30 p.m.

Attending Members:

Daniel Lapman, Chair  
Chuck Corson, Vice Chair  
Nancy Arnold, Regular Member  
Fred Szufnarowski, Regular Member  
Claire Tiernan, Planning Liaison  
Jim Leo, Alternate Member

Absent Members:

Jeff Lovelace, Conservation Liaison  
Steve Knauth, Alternate Member

Staff:

Joe Budrow, Wetlands Enforcement Agent and Zoning Enforcement Agent  
Stella Beaudoin, Recording Secretary.

Mr. Lapman called the meeting to order at 7:30 p.m.

**Approval of Minutes – January 8, 2013**

The following changes were suggested:

- Notation in the Minutes that Nancy Arnold was absent from the January 8, 2013 meeting.
- Page 2, Old Business: “IWWC conducted a site *walk*”

**MOTION** made by Fred Szufnarowski to approve Minutes of the January 8, 2013 meeting as amended; **SECONDED** by Claire Tiernan; **Voting In Favor:** N. Arnold, C. Tiernan, C. Corson, D. Lapman and F. Szufnarowski; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

The Agenda was amended to add **Application #13-4 on behalf of Salvatore Sapia and Maria Sapia, One willow Point, Essex, CT, Assessor’s Map 69, Lot 15-1, RU District.** This is an amendment to a previously granted Permit for construction of a new house with septic system and on site drainage.

#### **Old Business**

No old business.

#### **New Business**

**Application #13-1** on behalf of **Application #13-1** on behalf of **Robert Marsh, 72 North Main Street, Ivoryton, Map 38, Lot 1-2, RU District.** This is an application to allow a 14’ x 22’ shed to be partially within a wetland area and to allow an animal shelter to be located 53’ from a wetland area.

Robert Marsh and Don Gargano of Gargano Builders presented. Mr. Gargano stated that he had previously applied for a building permit for the construction of a dormer and an addition on the house. During that process it was revealed that a storage shed was placed on the property in a wetland area, without proper permitting. Mr. Gargano stated that presents this evening to apply for an IWWC permit for the existing shed to remain on the property.

Mr. Budrow stated that there is a pocket wetland in the area of the shed. The pocket wetland drains into a ribbon stream that flows into the water body behind the Piano Factory. Mr. Budrow stated that if the applicant is willing to pull the shed twelve feet back into the property it will be then out of the setback and out of the wetlands. The shed is not set into a foundation and there is a bed of crushed stone under the shed. Mr. Gargano stated that he would be able to relocate the shed.

Mr. Corson asked to have the crushed stone removed after the shed is relocated and the area to be restored to its original state. Mr. Corson further requested that the applicant be certain that the shed is relocated with a five foot area of clearance out of the wetlands.

**MOTION** made by Nancy Arnold to grant a Permit for **Application #13-1** on behalf of **Robert Marsh, 72 North Main Street, Ivoryton, Map 38, Lot 1-2, RU District**. This is an application to allow a 14' x 22' shed to be partially within a wetland area and to allow an animal shelter to be located 53' from a wetland area. Based on the documents presented and on the testimony given at this meeting along with the site inspection, 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. (1)

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:

1. The shed will be moved from the wetlands leaving approximately 5' clearance to the mapped wetland limit.
2. The wetlands area, on which the existing shed is situated on a bed of stone, will be restored as best possible to original conditions.
3. The applicant will observe the guidelines on livestock runoff conditions as put forward by the Zoning Enforcement Officer.
4. 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 15<sup>th</sup> and October 15<sup>th</sup> of the year of initiation.
5. Should the applicant determine that the permitted activity will not be completed between March 14<sup>th</sup> and October 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.
6. The applicant agrees to follow the advice and direction of the Town of Essex Enforcement Officer with regard to any field changes she/he deems necessary or may require for the protection of the inland wetlands and water course during the process.
7. 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 C. Corson; **Voting In Favor:** N. Arnold, C. Tiernan, C. Corson, D. Lapman and F. Szufnarowski; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

**Application #13-2, Robert J. Vitari, Jr., 164 Westbrook Road, Essex, Map 66 Lot 21, Commercial District.** This is an application to allow a 192 square foot addition to a single family dwelling that will come to a point that is 24', 1" from a pond.

Robert Vitari presented. Mr. Vitari stated that he would like to construct an addition off of the existing kitchen on the west side of the house. Mr. Vitari stated that his property and this proposal is situated in an area that is a good distance from Essex Land Trust property.

**MOTION** made by Daniel Lapman to conduct a site walk at a later date when the snow has cleared for **Application #13-2, Robert J. Vitari, Jr., 164 Westbrook Road, Essex, Map 66 Lot 21, Commercial District.** This is an application to allow a 192 square foot addition to a single family dwelling that will come to a point that is 24', 1" from a pond; **SECONDED** by Claire Tiernan; **Voting In Favor:** N. Arnold, C. Tiernan, C. Corson, D. Lapman and F. Szufnarowski; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

**Application #13-3 on behalf of Michael Picard, 141 and 147 Saybrook Road, Essex, Map 71 Lot 22, 23 and 24, RU District.** This is an application to demo an existing dwelling and replace with a new dwelling. Also to construct a driveway along with other site improvements.

Thomas Metcalf, P.E. presented on behalf of this application. Mr. Metcalf distributed to Commissioners revised plans dated February 12, 2013. This application is comprised of three properties. A portion of the restoration work is will occur at 155 Saybrook Road. Mr. Picard purchased the rear property several years ago and the front parcel, one year ago. Mr. Picard raised the house and the garage on the property and he received an IWWC Permit for removal work after the hurricane. Mr. Picard would like to raise the house on the rear property and construct a new dwelling. A driveway will be constructed to access this rear property. A garage with a one-bedroom residence above is also proposed to be constructed.

Mr. Corson asked if the properties could be merged. Mr. Metcalf stated that these are two separate parcels under two separate owners. For estate planning and tax purposes, Mr. Picard has chosen to keep these parcels separate. As part of the wetlands enhancement Mr. Picard would like to perform restoration to include removal of invasive species and the installation of native species which will occur on both Mr. Picard's and Ms. O'Neill's property. The abutting neighbor, Mrs. O'Neill has authorized Mr. Picard through Mr. Metcalf as his agent, to perform some of the restoration work on her property which is why she is listed as an applicant. As a stand alone property this parcel had access from Saybrook Road. The existing driveway will be extended to the rear parcel. Mr. Metcalf stated that the total coverage of impervious area has been reduced. There is currently, 3,139 s.f. of the impervious coverage. With this plan the impervious coverage will be 1,161 s.f. which is a reduction of 60% of impervious cover. Also, as part of this proposal the maintained grassy lawn area will be restored to a natural wetland area. The grass will be taken up and wetland plants will be installed. Mr. Metcalf stated that this is a reasonable proposal for the property.

Mr. Corson suggested a site inspection and requested demarcation of the 100 foot setback line so that Commissioners distinguish the location during the site inspection.

Mr. Picard stated that the easement as it currently exists is deficient as the present driveway is not currently situated on the easement. Mr. Picard stated that the proposed work will be a significant improvement to the previous conditions.

**MOTION** made by Fred Szufnarowski to conduct a site inspection at a later date when the snow has cleared for **Application 13-3 on behalf of Michael Picard, 141 and 147 Saybrook Road, Essex, Map 71 Lot 22, 23 and 24, RU District.** This is an application to allow a 192 square foot addition to a single family dwelling that will come to a point that is 24', 1" from a pond; **SECONDED** by Chuck Corson; **Voting In Favor:** N. Arnold, C. Tiernan, C. Corson, D. Lapman and F. Szufnarowski; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

**Application #13-4 on behalf of Salvatore Sapia and Maria Sapia, One Willow Point, Essex, CT, Assessor's Map 69, Lot 15-1, RU District.** This is an application to construct a new house with septic system and on site drainage.

Robert Doane presented on behalf of this application. Mr. Doane stated this property was granted an IWWC Permit in 2009 for the construction of a house. The applicant would like to change the house location and place it in the footprint of what was previously approved. Mr. Doane stated that the first floor elevation will remain the same for each house and the sanitary system is in the same location as is the curtain drain. Since 2009 the setback for the review area has gone from 60' to 100'. The new plan reflects the 100' review area.

Since the 2009 Health Department approval for the sanitary waste system, the company has gone out of business. Mr. Doane proposes the installation of a newer Mantus system with the proposal. The current sanitarian has approved the Mantus system with conditions.

**MOTION** made by Nancy Arnold to modify the permit **#10-09 on behalf of Salvatore Sapia and Maria Sapia, One Willow Point, Essex, CT, Assessor's Map 69, Lot 15-1, RU District** which was issued in December of 2009 for the house location and septic system to conform with the submittals that were included with application **#13-04** to include the plans which were received on January 09, 2013 with revision date of February 12, 2013 as amended pursuant to the town sanitarian's approvals; This is an application to construct a new house with septic system and on site drainage. Based on the documents presented and on the testimony given at this meeting along with the site inspection, 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:

1. 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 15<sup>th</sup> and October 15<sup>th</sup> of the year of initiation.
2. Should the applicant determine that the permitted activity will not be completed between March 14<sup>th</sup> and October 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.
3. The applicant agrees to follow the advice and direction of the Town of Essex Enforcement Officer with regard to any field changes she/he deems necessary or may require for the protection of the inland wetlands and water course during the process.
4. 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 C. Corson; **Voting In Favor:** N. Arnold, C. Tiernan, C. Corson, D. Lapman and F. Szufnarowski; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

**Other Business** - No other business.

**Correspondence and Invoices** - No correspondence and no invoices.

**Wetlands Agent Report: Joseph Budrow**

- Agent approval for Application #12A-9 which was issued on October 5, 2012: A 10 foot patio extension from a pool on Westbrook Road;
- Agent approval for Application #12A-10 which was issued on September 22, 2012 for septic repair 66 feet from the water on Main Street, Essex Village;
- Agent approval on September 30, 2012 for Application #12A-11 for septic repair 90 feet from the water on Andrews Road.

Mr. Szufnarowski stated that last month the IWWC approved Application #13-1 for George and Susan Baker at 9 South Cove Lane. This application number #13-1 was duplicated for Robert Marsh, 72 North Main Street. Mr. Budrow will look into this matter and clarify at the March 12, 2013 regular IWWC meeting.

- Agent approval Application #13A-1 for select timber cutting on Falls River Drive owned by the Mitchell Foster group which will average two trees per acre. There is no new wetland crossings on the property. A total of 100-120 old trees will be removed over the expanse of 100 acres.

**Chairman Report:** Daniel Lapman – no report.

**Planning Commission:** Claire Tiernan – no report.

**Conservation Commission:** Jeff Lovelace. No report.

**Zoning Commission:** - no report.

### Adjournment

**MOTION** made by Fred Szufnarowski to adjourn at 8:55 p.m. to the next regularly scheduled IWWC meeting to be held on Tuesday, March 12, 2013 at the Essex Town Hall, 2<sup>nd</sup> Floor Conference Room A, 29 West Avenue at 7:30 p.m.; **SECONDED** by Fred Szufnarowski; **Voting In Favor:** F. Szufnarowski, D. Lapman, C. Corson, C. Tiernan and N. Arnold; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

Respectfully submitted,

Stella C. Beaudoin  
Recording Secretary

The audio proceedings of the February 12, 2013 IWWC meeting was recorded on 1 card. Please speak with the Essex Zoning Office if you wish to obtain an audio of this meeting.