

TOWN OF ESSEX
Inland Wetlands and Watercourses Commission
29 West Avenue
Essex, CT 06426
essexct.gov

MINUTES

Regular Meeting - January 11, 2011

Call to Order and Seating of Members

The regularly scheduled meeting of the Essex IWWC was conducted on January 11, 2011 in Room A of the Essex Town Hall. Those members in attendance were Chair Dan Lapman, Vice-Chair Charles Corson, Goody LeLash, Barbara Zernicki, Nancy Arnold, Fred Szufnarowski, Stephen Knauth, and Joseph Budrow, Essex WEO/ZEO.

Old Business

Approval of Site Inspection Minutes of January 8, 2011 on behalf of **IW Permit Application #10-17, Whitney Huber, AIA for DeniseMarie Mandler, property located at 15 Heron Pond Road, Essex, CT, (Assessor's Map 71 Lot 003)**. This is an application to locate a swimming pool, spa, fence and patio within an area that contains wetland soil. The location is also within 100' of a pond.

Motion was made by Charles Corson to approve the Minutes of the January 8, 2011 site walk.

Motion seconded by Nancy Arnold and passed unanimously.

Re-consideration of **IW Permit Application #10-17, Whitney Huber, AIA on behalf of Joseph and DeniseMarie Mandler, property located at 15 Heron Pond Road, Essex, CT, (Assessor's Map 71 Lot 003)**. This is an application to locate a swimming pool, spa, fence and patio within an area that contains wetland soil. The location is also within 100' of a pond.

Whitney Huber, architect presented on behalf of the applicant. Mr. Huber is requesting a Wetlands Permit to allow construction of a pool, a spa, fence and patio within an area that contains wetland soil. The location is also 100 feet from a pond. The property is .59 acres and is abutted by a pond along the western property line. The house at its closest point is 55 feet from the pond. Most of the property is within the 100 ft. regulated area to include the existing house, however the newly constructed addition is not within the regulated area. The pool installation requires removal of the existing septic. The proposed pool will be situated twelve feet from the property line and as such a Variance is required. A Variance for this application was granted at the December 21, 2010 Essex Zoning Board of Appeals meeting to situate the swimming pool and patio within the 30-foot rear setback area. The pool is proposed to be twelve feet from the property line. The Essex ZBA granted the Variance based on the fact that the septic system is located on one side of the house and there is a wetland on the front of the house. The existing location is the only area on which the swimming pool can be constructed.

Mr. Budrow stated that based on his research of the two lots to the southwest and the survey of the open space, the wetlands do not come more than 12 inches from the pond itself.

This proposal includes provisions for a silt fence and a retaining wall to address the sedimentation and erosion control. Pool equipment and electronic equipment will be stored in the basement. There is a cartridge filter and salt water system that is a popular green-type system. There is no storage of chemicals on the property. The hot tub adjoins the pool. Joe Budrow, Essex ZEO stated that he does not feel that the wetlands will be disturbed.

Dan Lapman asked about the dumpster and backhoe which are currently located on the property.

The new engineered septic will be soon be constructed, however approval for the septic has not yet been received. Mr. Huber stated that he will provide the necessary documentation when the town of Essex sanitarian signs off on the septic system.

Mr. Huber further noted that the pool will be built from fiberglass and as such does not require heavy construction. Mr. Huber stated that the winterization process for the pool will not negatively impact the environment.

Motion made by Nancy Arnold to approve a Permit for **IW Permit Application #10-17, Whitney Huber, AIA on behalf of Joseph and DeniseMarie Mendler, property located at 15 Heron Pond Road, Essex, CT, (Assessor's Map 71 Lot 003)**. This is an application to locate a swimming pool, spa, fence and patio within an area that contains wetland soil. The location is also within 100' of a pond. Based on the documents presented, the site inspection of January 8, 2011 and on the testimony given at this meeting, the Commission finds that the proposed activity is a regulated activity not involving significant or major effect upon the inland wetlands or watercourse which occur on the property as defined in Section 2.2 (j), 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. The Essex Town Sanitarian must approve the relocation of the septic and leeching fields.
2. Winterization of the pool (dropping the water level) will not be sent out to wetlands, however will be distributed onto the front and or back lawn.
3. 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.
4. 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.
5. 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.
6. 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 Charles Corson and passed unanimously.

New Business

a. Discussion of Wetlands Regulations:

On December 29, 2010 Joseph Budrow, Essex ZEO sent a letter to Jeanette Bick, property located at 55 Deep River Road, Centerbrook, CT re recent septic-related work which was done close to or within a wetland area and within 100 feet of a watercourse. Mr. Budrow stated that a Wetland Permit was not obtained for this work. Mr. Budrow has since determined that there is no significant activity on this property affecting Wetlands.

Mr. Budrow stated that in another town for which he worked, a permit may be issued by the WEO for the emergency repair of a septic system and a permit may be issued if the proposal is 50 feet from intermittent watercourse with no wetlands and there is no significant impact on the wetlands.

A discussion on Section 6 of the IWWC regulations ensued. Charles Corson commented on language in the current IWWC regulations that covers this issue, however Mr. Corson asked Mr. Budrow to research the Application Requirements subsection. Mr. Budrow stated that he will review the regulations and if the requisite language is reflected in the regs, Mr. Budrow suggested that the Commission may wish to re-title that section of the Regulations.

Motion made by Charles Corson to approve the decision made by Joseph Budrow, Essex ZEO re septic work which was recently conducted on property located at 55 Deep River Road, noting that there is no significant activity affecting the wetlands.

Motion seconded by Nancy Arnold and passed unanimously.

Approval of Minutes: Regular Meeting, December 14, 2010

The minutes were reviewed and the following corrections are noted in italics:

- Steve Knauth arrived late but was present at the December 2010 meeting.
- Pg. 1, last line, "*site walk*".
- Pg. 2, under Motion Conditions; "back into the pond plantings and future erosions" to read "*flowing back into the pond from future erosion*".
- Pg.3, Application #10-17 – Motion Conditions: "within an area that contains wetland soil" to read "*may contain wetland soil*".
- Pg. 5, paragraph 4, sentence 2, "*over time someone, not conservation members constructed barriers*".

Mr. Budrow indicated that the Minutes correctly reflect those statements made at the December 14th meeting and as such, that portion of those Minutes may not be altered. Mr. Budrow suggested that Ms. LeLash further comment on those changes in her report under Conservation Commission liaison.

- Pg. 3 under Motion, last line: "*Pending action*" and add a comma after "pond".

Motion made by Charles Corson to approve the Minutes from the December 14, 2010 meeting as amended.

Motion seconded by Nancy Arnold and passed unanimously

Correspondence and Invoices

A Memorandum from the office of the First Selectman, Philip J. Miller dated January 3, 2011. The Town of Essex has contracted Transcription Plus, LLC as their transcription provider. Mr. Miller suggested that the board clerks would still attend the commission meetings and set up and monitor the

recording of those meetings, however the proceedings from the meeting would then be sent by the board clerk to Transcription Plus via a web server. The Minutes would then be transcribed by this Service. The Service returns the verbatim Minutes to the board clerk who would then proof, finalize and submit the Minutes to the Town's web site and to the town clerk for posting. The board clerk's duties would require that she still continue to take and create the record of the vote and the legal notice of decision which she posts on the Town's web site and with the town clerk, and when applicable with the Hartford Courant.

Commission members discussed the need for such a verbatim service and after a lengthy discussion of the pros and cons of utilizing such a service, it was determined that the current system would remain in place.

Motion made by Charles Corson to maintain the current system in place for the recording and transcription of the Minutes by the recording secretary rather than utilizing the proposed services of a transcription company.

Motion seconded by Nancy Arnold and passed unanimously.

Reports:

- a. IWEO Joseph Budrow: No report.
- b. Chairperson Daniel Lapman: No report.
- c. Planning Commission Representative Claire Tiernan: No report.
- d. Conservation Commission Representative Goody LeLash:
Ms. LeLash stated that with regard to the Viney Hill Brook beaver situation, someone other than Conservation Commission members has dredged up all of that debris. There is a large mound of sticks and debris which will need to be removed from the pond area and the Conservation Commission is working to create a site plan and a description of proposed work to be done in the upcoming months. Ms. LeLash noted that the Conservation Commission will work with Mr. Budrow on future proposals.
- e. Zoning Commission Representative Larry Shipman: No report.

Motion made by Dan Lapman to adjourn.

Motion seconded by Chuck Corson and passed unanimously.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary

The next regularly scheduled meeting of the Essex IWWC will be conducted on February 8, 2011.