

TOWN OF ESSEX
Inland Wetlands and Watercourses Commission

Executive Board
Daniel Lapman, Chairman
Charles Corson, Vice Chairman

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
Jim Hill, Zoning Liaison

Alternate Members
Steve Knauth
Jim Leo

Unapproved

Minutes - Regular Meeting
Tuesday, January 14, 2014

Call to Order and Seating of Members

The regularly scheduled meeting of the Essex IWWC was conducted on January 14, 2014 in Conference Room A, of the Essex Town Hall at 7:30 p.m.

Attending Members:

Dan Lapman, Chair
Fred Szufnarowski
Claire Tiernan
Jeffrey Lovelace, Conservation Liaison
Jim Leo, Alternate

Absent Members:

Jim Hill, Zoning Liaison
Steve Knauth, Alternate
Nancy Arnold
Chuck Corson

Staff:

Joseph Budrow, Wetlands Enforcement Agent
Stella Beaudoin, Recording Secretary

Mr. Lapman seated Jim Leo for C. Corson. Mr. Lapman called the meeting to order at 7:30 p.m.

Approval of Minutes – Regular Meeting November, 2013

Tabled to the February 11, 2014 regularly scheduled meeting.

Old Business

Regular Meeting

-Application 13 – 18 – Essex Meadows Properties, Inc., 30 Bokum Road

An application to do maintenance work in and around two detention ponds.

Bernard Baker, Nathan Jacobson Associates representing Essex Meadows. Mr. Baker stated that there are two detention basins onsite which were constructed in 1935. The proposed maintenance work involves the removal of several trees and the pump-out of water which will be dredged by 5 feet at detention Basin 1. The dredging materials will be stockpiled on site and surrounded with a silt fence and seeded for temporary stabilization. Mr. Baker stated that trees will be cut at detention Basin 2.

Mr. Szufnarowski stated that the proposal states that the trees will be cut down to within four inches and suggested that the trees and brush be removed completely.

Tim Reynolds, Maintenance Director, Essex Meadows stated that the only trees proposed to be removed are the trees that are causing structural problems.

MOTION made by Fred Szufnarowski to approve a Permit for **Application 13 – 18** – Essex Meadows Properties, Inc., 30 Bokum Road. This is an application to do maintenance work in and around two detention ponds. Based on the documents presented and on the testimony given at this meeting, 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:

1. The application will be revised to include removal of all trees along embankment and dykes.
2. 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.
3. 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 work with the zoning enforcement officer and present a plan for the stabilization of the site during the non-permitted months.
4. 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.
5. 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 Jim Leo; **Voting In Favor:** D. Lapman, F. Szufnarowski, J. Leo, J. Lovelace, Claire Tiernan; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

Other Business

-Review and consider approval of settlement agreement in the matter of Bombaci et al. v. Inland Wetlands and Watercourses Commission of the Town of Essex et al., MMX-CV-12-6008458-S.

Kenneth R. Slater, Jr., Esq., Halloran & Sage LLP presented. Mr. Slater stated that a Settlement Agreement between Kenneth Bombaci and Judith Bombaci v. the IWWC of the Town of Essex, the Department of Energy and the CT DEEP, River Sound Development LLC and CT Fund for the Environment, Inc. has been drafted for the IWWC review.

River Sound Development and the Town of Essex agreed to present the terms of the Settlement Agreement to the IWWC at a public meeting and obtain approval of the same in accordance with Section 22a-43(d) of the CT General Statutes. Upon the approval of the Settlement Agreement by the Inland Wetlands and Watercourses Commission, the parties agree to jointly prepare a Motion for Settlement and Withdrawal of this case before the Superior Court.

The settlement agreement with respect to The IWWC Permit approval will remain in effect and the appeal will be withdrawn. Mr. Slater stated that the only modification with respect to the IWWC Permit is that rather than the 5 year initiation period running from date of publication, the 5 year period will run from the date that the Superior Court approves the appeal and that will initiate the clock for the 5 year initiation period. Mr. Slater stated that he hopes to have the Settlement Agreement on the Superior Court docket within the month.

Michelle Moresca, Esq., Robinson and Cole representing River Sound Development. Ms. Moresca stated that settlement agreement between River Sound and the Trust includes all of the Essex property and also preserves the existing wetlands agreement. Ms. Moresca noted that River Sound Development will not commence any activities nor take any actions on site. Ms. Moresca stated that the approval is preserved throughout the option period and should the Bombaci's opt out not go through with the Settlement, River Sound will exercise the IWWC permit.

MOTION made by Fred Szufnarowski to approve the Settlement Agreement in the matter of Bombaci v IWWC Town of Essex, et al. **SECONDED** by Jim Leo **Voting In Favor:** D. Lapman, F. Szufnarowski, J. Leo, J. Lovelace, Claire Tiernan; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

- Election of Officers for 2014

MOTION made by Jeff Lovelace for Dan Lapman to serve as Chairman of the Essex IWWC and for Chuck Corson to serve as Vice Chairman of the Essex IWWC; **SECONDED** by Jim Leo; **Voting In Favor:** D. Lapman, F. Szufnarowski, J. Leo, J. Lovelace, Claire Tiernan; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

-Approval of 2014 Calendar

MOTION made by Jeff Lovelace to approve the 2014 meeting schedule as presented;
SECONDED by Jim Leo; **Voting In Favor:** D. Lapman, F. Szufnarowski, J. Leo, J. Lovelace, Claire Tiernan; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

Other Business - There was no other business.

Correspondence and Invoices - There was no correspondence and no invoices.

Wetlands Agent Report:

Joseph Budrow – No report.

Chairman Report:

Daniel Lapman – No report.

Planning Commission:

- Claire Tiernan reported that the Planning Commission continues to work diligently to complete the Plan of Conservation and Development.
- Ms. Tiernan tendered resignation in her capacity as the Essex Planning Commission liaison to the Inland Wetlands and Watercourses Commission.

Conservation Commission:

- Jeff Lovelace reported that the Conservation Commission did not conduct a meeting in January, however there were a total of 14 participants including Conservation Commissioners on the Annual New Year's day walk at Viney Hill Brook Preserve

Zoning Commission:

Jim Hill - No report.

Adjournment

MOTION made by D. Lapman to adjourn at 8:00 p.m. to the next regularly scheduled IWWC meeting to be held on Tuesday, February 11, 2013 at the Essex Town Hall, 2nd Floor Conference Room A, 29 West Avenue at 7:30 p.m.; **SECONDED** by Jim Leo; **Voting In Favor:** D. Lapman, F. Szufnarowski, J. Leo, J. Lovelace, Claire Tiernan; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary