

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

**MINUTES**

March 13, 2012

**Call to Order and Seating of Members**

The regularly scheduled meeting of the Essex IWWC was conducted on March 13, 2012 in Room A, of the Essex Town Hall at 7:30 p.m. Those members in attendance were Vice-Chair Chuck Corson, Claire Tiernan, Fred Szufnarowski, Larry Shipman and Nancy Arnold. Also in attendance were Stella Beaudoin, Recording Secretary and Joe Budrow, Wetlands Enforcement Agent and Zoning Enforcement Agent.

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

- **Consideration of Application 12-2 Sunset Pond, Essex, Assessor's Map 32 Lot 73, Zoning District LI. The owner of record is the Paul Foundation and the applicant is the Town of Essex Park and Recreation Department.**

This is an application to seek an approval for the revitalization of Sunset Pond on West Avenue. The regulated activity is for the drag line dredging of Sunset Pond, the removal of dead vegetation around the pond, to construct a berm and to re-seed the area with grass. In July 2011 an IW Permit was granted for partial dredging around the piers based on a conceptual plan presented by the Park and Rec Department.

Jim Godsman and Jeff Paul presented on behalf of this application. Jeff Paul is the president of the Paul Foundation and owner of the property. Mr. Godsman stated that he is seeking the support of the IWWC in moving forward with this project. The job will begin in August when the ground is at its driest.

Jeffrey Paul stated that Mr. Godsman has been spearheading this two-phase project on behalf of many concerned citizens. Phase-one involves catch-up on years of neglected maintenance that has not been attended to and to restoring the pond to some sense of definition. Mr. Paul noted that the wooded, marshy end of the pond will not be part of this proposal. Mr. Paul stated that he spoke with the Town of Essex and it was made clear that there is no money available to renovate this property. The survey and wetlands study has been paid for by the Paul Foundation in the amount of \$12,500 to date. Mr. Paul indicated that the Foundation does have the money to go forward with the full phase 2 development at this time. There are issues with the drainage coming in from the street and careful planning moving forward is imperative. Mr. Paul indicated that he will come back before the IWWC when this plan is finalized, which could take up to another year. In the next year, the money will be made available to do this maintenance catch-up. Other town's people have offered to contribute in order to complete this phase.

Chuck Corson commented on a Land and Water magazine piece in which there was an article referencing a similar situation to that of this proposal along with recommendations on how to proceed.

Mr. Corson reminded Mr. Paul that the IWWC permit is good for 5 years and it is renewable.

Mr. Szufnarowski, commented on the elements of work under the dam and stated that if the trees must be removed. Mr. Szufnarowski noted that the berm should be completely clear of any trees particularly in the vicinity of the concrete structure; not the marsh below the dam. The berm is usually manicured lawn and any kind of brush or trees are detrimental.

**Motion** made by Nancy Arnold to grant a Permit for **Application 12-2 Sunset Pond, Essex, Assessor's Map 32 Lot 73, Zoning District LI. The owner of record is the Paul Foundation and the applicant is the Town of Essex Park and Recreation Department.** Based on the documents presented, on the site inspection and on the testimony given at this meeting, 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. Removal of the trees that are located on top of the berm as opposed to below the berm will be allowed. Those trees should be flagged for review by the Town of Essex.
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 15<sup>th</sup> and October 15<sup>th</sup> of the year of initiation.
3. 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.
4. 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.
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

**Motion** seconded by Fred Szufnarowski and passed unanimously 5/0/0.

### **New Business**

- **Consideration of Application 12-4, property located at Rosewood Lane, Assessor's Map 39 Lot 1-25, Zoning District RU. The owner of Record is Donald Meyers.**

This is an application to construct a 1,252 s/f single family dwelling at the southwest corner of the lot, a location that would place the structure approximately 64 feet from the wetland area.

Don Meyer owner of Lot 25 Rosewood Lane presented. Mr. Meyer stated that this application is for the installation of a 15-foot wide driveway. The house will be constructed within 60 feet of the wetlands. A shared driveway entrance was previously approved for the driveway for the next door for property of Greg Peterson.

Mr. Budrow stated that he had previously reported to the Commission that this lot has been cleared several months ago. Mr. Budrow indicated that there is no issue of erosion at this time.

**Motion** made by Fred Szufnarowski to conduct a site inspection on behalf of **Application 12-4, property located at Rosewood Lane, Assessor's Map 39 Lot 1-25, Zoning District RU. The owner of Record is Donald Meyers** on Tuesday, March 20, 2012 at 6:00 p.m. This is an application to construct a 1,252 s/f single family dwelling at the southwest corner of the lot, a location that would place the structure approximately 64 feet from the wetland area.

**Motion** seconded by Claire Tiernan and passed unanimously 5/0/0.

**Motion** by Larry Shipman to table to the April 10, 2012 meeting **Application 12-4, property located at Rosewood Lane, Assessor's Map 39 Lot 1-25, Zoning District RU. The owner of Record is Donald Meyers.** This is an application to construct a 1,252 s/f single family dwelling at the southwest corner of the lot, a location that would place the structure approximately 64 feet from the wetland area.

**Motion** seconded by Nancy Arnold and passed unanimously 5/0/0.

**Consideration of Application 12-5 on behalf of The Preserve, Assessor's Map 93 Lot 1, Zoning District RU. The owner of record is River Sound Development, LLC c/o Doane-Collins Engineering Associates.**

This property is situated at the end of Ingham Hill Road and proposes an open space subdivision. There is a 75-foot setback between the road and the property line.

Robert Doane, P.E., L.S. presented on behalf of this application. Mr. Doane stated that the proposal before the Commission is for review of a subdivision of 36-acres on the southeast corner of Ingham Hill Road on the north side of the Essex/Saybrook town line. Ingham Hill Road dead-ends just north of the town line. This proposal will divide the 36 acres into six individual lots that range in size from two to four acres. Six of the lots front Ingham Hill Road. Each lot has individual frontage and the schematic layout for the lots show a house, sanitary system, well, driveway and grading, all of which are accomplished outside of the 100 foot review area from the wetlands.

Mr. Doane stated that he is here this evening as the CT General Statutes require that a subdivision proposal be reviewed by the IWWC Commission prior to presenting to the Planning Commission. Mr. Doane stated that he wishes to obtain a ruling from the Commission that there are no proposed activities and to address any concerns.

Ms. Arnold asked that it be noted for the record that this property is a proposal put forward by River Sound Development and the term "Preserve" should be omitted from any future reference to this application. Ms. Arnold questioned if this is the beginning of an expansion which will eventually encompass the previously proposed 1,000 acres development.

Mr. Doane stated that nowhere in the application was the term "Preserve" used. All of the plans are River Sound Development LLC, however this is part of the previously proposed Preserve property. This proposal has no connection whatsoever to the preserve. This plan does not propose an extension of Ingham Hill Road and there is no proposal that would involve a beginning phase of the development of the 1,000 acres.

There will be no cut into Ingham Hill Road. The applicant proposes 20.67 acres of open space out of the 36.6 acres of property with a 75 foot buffer between the open space and the property. The Essex Land Trust will receive the open space. At that time Mr. Doane will preclude any connection to Old Saybrook. The physical road ends at the cul de sac and the property in Essex and continues to the

town line. If the town abandons the roadway, the property would revert to the Land Trust. If there is a formal abandonment of a roadway, it reverts to the abutting property and each property on each side gets half of the roadway. The open space will be deeded to the Land Trust and it will be a fee conveyance. Mr. Doane stated that it is set it up this way to strengthen the fact that the applicant has no intent to lengthen the roadway. There was a proposed public roadway in the former application surrounding this property.

Sue Ellen McCuin, Ingham Hill Road presented a petition with twenty-five signatures. Ms. McCuin stated that this property may not be referred to as the Preserve, however it does encompass the same property as previously proposed.

Mr. Budrow stated that the petition should be comprised of thirty signatures and must be certified by the Town clerk. Ms. McCuin stated that this application was received at this evening's meeting which allows her an additional fourteen days to submit the thirty signature petition.

**Motion** made by Fred Szufnarowski to conduct a site inspection on Saturday, April 7, 2012 at 9:00 a.m. on behalf of **Application 12-5, The Preserve, Assessor's Map 93 Lot 1, Zoning District RU. The owner of record is River Sound Development, LLC c/o Doane-Collins Engineering Associates.** This property is situated at the end of Ingham Hill Road and proposes an open space subdivision. There is a 75-foot setback between the road and the property line.

**Motion** seconded by Claire Tiernan and passed unanimously.

Mr. Corson noted that although the Petition is lacking the requisite amount of signatures, the Commission may schedule a public hearing based on the fact that there is enough public sentiment on behalf of this application.

**Motion** made by Claire Tiernan to schedule a public hearing on April 10, 2012 behalf of **Application 12-5 on behalf of The Preserve, Assessor's map 93 Lot 1, Zoning District RU. The owner of record is River Sound Development, LLC c/o Doane-Collins Engineering Associates.** This property is situated at the end of Ingham Hill Road and proposes an open space subdivision. There is a 75-foot setback between the road and the property line.

**Motion** seconded by Fred Szufnarowski and passed 5/0/1. Larry Shipman abstained.

Joe Budrow asked the Commission to receive **Application 12-6 for property at 10 Heron Pond Road and Peter Sarner** is the applicant.

**Motion** made by Nancy Arnold to schedule a site inspection on Tuesday, March 20, 2012 at 6:30 p.m. on behalf of **Application 12-6 for property at 10 Heron Pond Road and Peter Sarner is the applicant.**

**Motion** seconded by Larry Shipman and passed unanimously 5/0/0.

### **Approval of Minutes**

- **Regular Meeting, January 10, 2012**

**Motion** made by Claire Tiernan to approve the Minutes from the January 10, 2012 Meeting.

**Motion** seconded by Larry Shipman and passed unanimously 5/0/0.

- **Site Walk, January 14, 2012**

**Motion** made by Nancy Arnold to approve the Site Walk Minutes from the January 14, 2012 Meeting.

**Motion** seconded by Chuck Corson and passed. Claire Tiernan abstained. Unanimously 5/0/1.

- **Regular Meeting February 14, 2012**

- Amendments to the February 14, 2012 Regular Meeting Minutes as noted in italics.

Page 2; : *Windmill Lot.*"

Page 3, top line; "Mr. Lomme *noted that..*"

Page 5, middle paragraph; "There is a stream that runs out to *South Cove*"

**Motion** made by Nancy Arnold to approve the Regular Meeting Minutes from the February 14, 2012 Meeting as amended.

**Motion** seconded by Claire Tiernan and passed unanimously 5/0/0.

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

- Invoice from Hudson and Kilby PC \$1,410.

**Motion** made by Nancy Arnold to approve the Invoice by Hudson and Kilby in the amount of \$1,410.00.

**Motion** seconded by Chuck Corson and passed unanimously 5/0/0.

**Reports:**

**a. Wetlands agent Joseph Budrow**

- Mr. Budrow reported on a property in Centerbrook next door to the post office where a vehicle went into the phragmites. The area has been re-vegetating and when Mr. Budrow visited the site, the landlord asked to have the order amended. The applicant proposed to block off with chains where the track went on either side of the property, or to block off the area with chains within the phragmites. The Commission had previously requested a barrier in front of the phragmites

Ms. Arnold stated that she wished to look at the site before the IWWC makes a decision on how to move forward.

- Mr. Budrow reported on property owned by Michael Crivelli, located at 54 Main Street, Ivoryton, Map 56 Lot 10-1. The property owner clear cut this property in October 2011. Rich Snarski, soil scientist flagged the property and there is a small wetlands area on the property. Mr. Snarski

suggested that the owner allow the area to re-vegetate on its own. The IWWC asked Mr. Budrow grant an administrative permit to Mr. Crivelli so that the work may be completed.

**Motion** made by Nancy Arnold that an administrative Permit is required for **Michael Crivelli, property located at 54 Main Street, Ivoryton, Map 56 Lot 10-1**. The property owner clear cut this property in October 2011. Mr. Budrow will advise the property owner to allow the landscape to grow back naturally. Any other activity related to this property must come before the Commission.

**Motion** seconded by Larry Shipman and passed unanimously 5/0/0.

- Mr. Budrow reported that someone dumped wood chips at the east end of the Sunset Pond. Mr. Budrow will advise the property owner to remove the wood chips.

Mr. Szufnarowski stated that the IWWC receives a good deal of applications and noted that it might be useful to the Commissioners if they knew the value of the wetland in terms of classifying the water bodies. Mr. Szufnarowski stated that wetlands should have functional classifications.

Ms. Arnold stated that the law does require the IWWC to look at wetlands. It does not however require the IWWC to look at classifications of the wetlands. The determination of the viability of a wetland area is the function a site walk.

Mr. Corson stated that the IWWC cannot apply federal standards to these wetlands.

Mr. Corson stated that for future applications, if there is any doubt regarding the review of a septic system, the IWWC will ask for a presentation or a report by the sanitarian.

Ms. Arnold asked Mr. Budrow to contact the Essex Town Sanitarian and ask that they take into consideration the proximity to the wetlands. Ms. Arnold further asked Mr. Budrow to inquire as to what weight is the wetlands proximity given and how is that reported and how can the Commission be of service.

Mr. Szufnarowski stated that coordination with the sanitation person should be made so wetlands are not encroached upon.

**Chairperson Daniel Lapman:** No report.

- c. Planning Commission Representative Claire Tiernan** reported that the March 2012 Planning Commission meeting was a lengthy one. There was a public hearing on behalf of the Foxboro subdivision. There were several letters read by citizens requesting public access to frontage on the lots. The expectation is that at the April 19, 2012 meeting, the developers will be expected to present two plans; One showing public access to the conservation area and a second plan which relocates the positioning of the lots. Ms. Tiernan noted that at that April 19<sup>th</sup> meeting, the developers may provide the Town with money in lieu of property.
- d. Conservation Commission Representative:** No report.
- e. Zoning Commission Representative Larry Shipman.** Mr. Shipman reported that the Zoning Commission is entertaining discussions over the acceptance of the Gateway. The Zoning Commission conducted a workshop at the February 2012 meeting to discuss the review and to mark up the Gateway Regulations. That Commission is going through the Gateway Regulations word by word and they are focusing on the proposed map to

review what areas of impact there are. Once that Commission is comfortable with the revisions, the Zoning Commission will submit an application to the Zoning Commission to accept the Gateway regulations as Zoning has proposed them. A public hearing will then be conducted.

**Motion** made by Nancy Arnold to adjourn.

**Motion** seconded by Fred Szufnarowski and passed unanimously 5/0/0.

The regularly scheduled meeting of the Essex IWWC adjourned at 9:00 p.m.

Respectfully submitted,

Stella C. Beaudoin  
Recording Secretary

The next regularly scheduled meeting of the Essex Inland Wetlands and Watercourses Commission will be conducted on April 10, 2012.