

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*  
*Jim Hill, Zoning Liaison*

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

**Unapproved**

**Minutes - Regular Meeting**  
**Tuesday, March 11, 2014**

**Call to Order and Seating of Members**

The regularly scheduled meeting of the Essex IWWC was conducted on March 11, 2014 in Conference Room A, of the Essex Town Hall at 7:30 p.m.

Attending Members:

Dan Lapman  
Chuck Corson  
Fred Szufnarowski  
Jim Hill  
Jim Leo, Alternate seated for Nancy Arnold

Absent Members:

Nancy Arnold  
Jeffrey Lovelace  
Steve Knauth, Alternate

Staff:

Joe Budrow, Wetlands Enforcement Agent

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

**Approval of Minutes – Regular Meeting January, 2014**

The following changes were made to the Minutes:

Page 2, first paragraph, second sentence of the second line; “two detention basins on the site that were constructed in 1985.”

Page 2, first paragraph, third sentence; “the pump-out of water dredged *to a depth* of five feet.”

**MOTION** made by Dan Lapman to approve Minutes of the January, 2014 meeting as amended; **SECONDED** by Chuck Corson; **Voting In Favor:** D. Lapman, F. Szufnarowski, C. Corson, J. Leo, J. Hill; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

## Old Business

### **Regular Meeting**

- **Application 14-1** – An application to locate a stone and mortar pool and weir fishway at north end of Tiley-Pratt Pond, within channel of the Falls River.

Sally Herold Nature Conservancy of CT Director of Migratory Fish Projects presenting for the Nature Conservancy on behalf of the Timmerman family. Ms. Herold stated that this proposal involves the construction of a pool near a fishway in a side channel on the Falls River below Tiley Pratt dam. The site is situated just below south Dennison Road.

Ms. Herold stated that below the dam there is a rocky channel that leads outside of the Timmerman’s walkway and she proposes to construct small stone walls each with a notch in them allowing the water to back up a little bit behind each of these walls. These walls are constructed on a down-hill slope so each wall is a little shorter as they transition down the hill. The walls will be constructed of stone and each notch will have a weir board so as to control the level of water. This enables migratory fish coming in from salt water to reach fresh water habitats above the Tiley Pratt dam. There is a notch at the dam so that it can be closed to prevent the pond level from dropping.

Ms. Herold stated that the construction will occur during low flow periods which takes place at the end of summer and early fall, weather permitting. Ms. Herold stated that this process will not affect the pond level behind Tiley Pratt dam. Ms. Herold indicated that the Nature Conservancy will work in conjunction with the CT Department of Energy and the CT DEEP on this proposal.

Mr. Corson commented that the line in the Inland Wetlands Permit application regarding the channel encroachment line must be removed as per the CT DEEP’s criteria.

Ms. Herold stated that no engine-powered equipment will be utilized during construction.

Steve Gephard, fisheries biologist with the CT DEEP stated that a motorized cement mixer will be utilized during construction, however there will be no need for any excavators and the land will not be disturbed.

Mr. Corson suggested a site walk to be conducted during the time of construction and requested that the applicant notify Mr. Budrow of the start date.

**MOTION** made by Chuck Corson to approve a Permit for **Application 14-1** – This is an application to locate a stone and mortar pool and weir fishway at north end of Tiley-Pratt Pond, within channel of the Falls River. Based on the documents presented and on the testimony given at this meeting, the accompanying documents, 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 work with the zoning enforcement officer 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 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 Jim Leo; **Voting In Favor:** D. Lapman, F. Szufnarowski, C. Corson, J. Leo, J. Hill; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

#### **Other Business**

- Approval of the 2014 meeting calendar.

**MOTION** made by C. Corson approve the corrected 2104 calendar as submitted;

**SECONDED** by Jim Leo; **Voting In Favor:** D. Lapman, F. Szufnarowski, C. Corson, J. Leo, J. Hill; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

- John Ackerman, Planning Commission liaison introduced himself to the Commission.

- Bob Nessbaum presented on behalf of the Essex Land Trust for a future application to make improvements on a trail that is on the Mill Race Preserve in Ivoryton, bounded by Walnut and Main Street. Mr. Nussbaum stated that in the early part of the year, that portion of the Preserve is very wet due to the flow from the storm drain that empties under Main Street. Mr. Nessbaum stated that the future wetlands application will propose to loosen some of the gravel trench to the drain, to the rip rap that was left by the engineers right after the flood. The drain empties out across the street from the church.

Mr. Budrow stated that there is no survey of the property as it is not mapped. Mr. Nessbaum will submit the IW application for consideration at the April 8, 2014 regularly scheduled IWWC meeting.

**Correspondence and Invoices**

No Correspondence and no Invoices.

**Wetlands Agent Report:**

Joseph Budrow reported that he received three notices from the DEEP CT Pond Services. Applications have been submitted to clean out Tiffany Pond, Tiley Pratt Pond and Birch Mill Pond and they will eradicate plants and some animals.

Mr. Budrow reported on the Inland Wetlands and Watercourses Regulation updates; State laws have changed over the past three years that affect the IWWC regulations and Mr. Budrow will make text changes and present those changes to the Commission's legal counsel and to the Wetlands Commissioners for approval.

Mr. Budrow reported on an underground propane tank has been installed on the property of a new home construction. Mr. Budrow will send a letter to the applicant along with a Wetlands Application which Mr. Budrow will review and issue an administrative permit.

Mr. Budrow reported that Claire Tiernan submitted her resignation as the Planning Commission liaison to the IWWC.

**Chairman Report:**

No report.

**Planning Commission:**

No report.

**Conservation Commission:**

No report.

**Zoning Commission:**

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, April 8, 2014 at the Essex Town Hall, 2<sup>nd</sup> Floor Conference Room A, 29 West Avenue at 7:30 p.m.; **SECONDED** by Jim Leo; **Voting In Favor:** D. Lapman, F. Szufnarowski, C. Corson, J. Leo, J. Hill; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

Respectfully submitted,

Stella C. Beaudoin  
Recording Secretary