

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
John Ackerman, Planning
Jeffrey Lovelace, Conservation
Jim Hill, Zoning Liaison

Alternate Members
Steve Knauth
Jim Leo

Unapproved

Minutes - Regular Meeting
Tuesday, May 13, 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
Jeffrey Lovelace
John Ackerman
Nancy Arnold
Jim Hill
Jim Leo, Alternate seated for Charles Corson

Absent Members:

Steve Knauth, Alternate

Staff:

Joe Budrow, Wetlands Enforcement Agent
Stella Beaudoin, Recording Clerk

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

Approval of Minutes – Regular Meeting March 11, 2014

The following change was made to the Minutes:

Page 4, fifth paragraph to read: “Mr. Nussbaum stated that the future application will propose to improve the drainage from the existing culvert to the river.”

MOTION made by Jim Leo to approve Minutes of the March 11, 2014 meeting as amended; **SECONDED** by Jim Hill; **Voting In Favor:** D. Lapman, F. Szufnarowski, N. Arnold, J. Leo, J. Hill; **Opposed:** None; **Abstaining:** J. Lovelace; **Approved:** 6/0/1.

Old Business

Regular Meeting

- **Application 14-2** – The Mill Race, Main Street, Ivoryton. This is an application to locate a drainage swale from a West Main Street culvert to near the Falls River.

Tom Rutherford, Essex Land Trust presented. The Essex Land Trust would like to improve the water drainage on their Mill Race trail along the Falls River near Walnut Street. The existing storm drain empties through a culvert directly onto the existing trail and the storm drain water soaks the area between the culvert and the river. Mr. Rutherford stated that the storm drain is located 8 feet above grade and it empties into soft land and across a stream.

To remediate the water disbursement, the Land Trust proposes to dig a trench from the culvert to the river to minimize trail flooding and to keep the area more accessible. The trench will be dug utilizing a backhoe and the bottom will be lined with filter fabric and the trench will be filled with trap rock 6” minus. This will allow the storm water flow to move directly to the stream. The rock material will be move from the firm ground to the trench site in very small pick-up loads. The work will e performed by “Under the Bark” tree service and it is expected to take one to two days to complete. The excavated material will be spread on site.

MOTION made by Fred Szufnarowski to approve a Permit for **Application 14-2** – The Mill Race, Main Street, Ivoryton. This is an application to locate a drainage swale from a West Main Street culvert to near the Falls River. Based on the documents presented and on the testimony given at this meeting and the accompanying documents, the Commission finds that the proposed activity is a regulated activity not involving any significant or major effect upon the inlands 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 15th and October 15th of the year of initiation.

2. 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.
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 Jeff Lovelace; **Voting In Favor:** D. Lapman, F. Szufnarowski, N. Arnold, J. Leo, J. Hill; J. Ackerman, J. Lovelace **Opposed:** None; **Abstaining:** None; **Approved:** 7/0/0.

- **Application 14-3** Elizabeth Smith, 33 Foxboro Road, Essex. This is an application to locate a 3'wide by 115' long timber pile walkway along shoreline of North Cove.

This is an application to construct a 3' wide by 115' long, elevated timber and pile walkway through a bed of dense phragmites landward of the Mean High Water line, but waterward of the CT DEEP CJL, in order to access a DEEP and Army Corps of Engineers permitted dock.

Rob Shickel presented on behalf of Terry Smith. Mr. Shickel proposes to create a walkway that will span from coastal jurisdiction line to coastal jurisdiction line on other side of the adjoining property of Brant Smith.

Mr. Shickel stated that the dock is preexisting and fully permitted through DEEP and the Army Corps of Engineers. Mr. Shickel stated that the proposed walkway extends from one upland location of the CJL to the other upland location of the CJL, from northwest to southeast. The area is very marshy and the walkway will allow passage to the dock. The dock is owned by Terry Smith. The walkway will be constructed of 4' x 4' piles which will be driven manually

MOTION made by Nancy Arnold to approve a Permit for **Application 14-3**, Elizabeth Smith, 33 Foxboro Road, Essex. This is an application to locate a 3'wide by 115' long timber pile walkway along shoreline of North Cove. Based on the documents presented and on the testimony given at this meeting and the accompanying documents, the Commission finds that the proposed activity is a regulated activity not involving any significant or major effect upon the inlands 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 15th and October 15th of the year of initiation.
2. 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.
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, N. Arnold, J. Lovelace, J. Leo, J. Hill, J. Ackerman; **Opposed:** None; **Abstaining:** None; **Approved:** 7/0/0.

- **Application 14-4** Susan and David Ives, 199 Westbrook Road, Essex. This is an application to replace and relocate a new underground utility line within 100 feet of Tiffany Pond.

This is an application to locate a new CL&P underground utility line to replace the existing utility line for the purpose of upgrading the amp service to the house. This proposal will locate the utility line further from the wetlands than that of the existing line.

Susan Ives presented on behalf of this application. Ms. Ives stated that the request for permit is to relocate currency on underground wire from the pole to the house is mainly for the purpose of installing central air conditioning in her home, which she stated is a medical necessity. The house was built in 1985. The wiring for the 100 amp service is situated underground and it is not protected by a conduit. Ms. Ives stated that she wishes to upgrade the CL&P wiring and to install two conduits for the electricity. This will involve excavation of a trench from the utility pole to the house and the installation of a PVC conduit and new wires.

MOTION made by Nancy Arnold to approve a Permit for **Application 14-4** Susan and David Ives, 199 Westbrook Road, Essex. This is an application to replace and relocate a new underground utility line within 100 feet of Tiffany Pond. Based on the documents presented and on the testimony given at this meeting, and 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. 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.
2. 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.
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, J. Lovelace, N. Arnold, J. Ackerman, J. Leo, J. Hill; **Opposed:** None; **Abstaining:** None; **Approved:** 7/0/0.

Other Business

- Brief discussion regarding process of receiving wetland applications.

Mr. Budrow stated that he has conducted a brief analysis of how other some of the surrounding Towns receive applications on behalf of their Boards and Commissions. Mr. Budrow stated that some Towns receive the application and delay the review by the relevant Commission (typically, for one month) so that the public has an opportunity to review the application.

IWWC members agreed that postponing the process of hearing the application and delaying the issuance of a Permit slows down the applicant's ability to complete the proposed work. Members agreed that the process in place provides adequate notice to the public for review of the proposals.

Correspondence and Invoices

- No Correspondence and no Invoices.

Wetlands Agent Report:

Joseph Budrow reported that he has issued the following four administrative permit approvals:

1. Administrative Permit 14A-1 Town of Essex, Park and Recreation Commission. This is a proposal to install a batting cage at Comstock Park for use by youth baseball groups. The batting cage will be set in concrete footings. The batting cages which will be set in concrete footings will be located at the furthest infield, 20 feet from the wetland area.
2. Administrative Permit 14A-2, Beverly Windatt, 13 Riverview Street, Essex. This is a proposal to remove existing stone steps and paving stones from the rear walk and terrace that lead to a dock. The proposal involves the installation of new, 18” stone steps and paving stones in the same size and location. There will be no disturbance of any earth.
3. Administrative Permit 14A-3, Priscilla Lovell, 2 River Road, Essex. This is an application to remove an existing 120 feet of driveway asphalt that was damaged due to flooding.
4. Administrative Permit 14A-3, property located at 7 Windsor Lane, Essex. This is a proposal to locate a 12’ x 16’ shed 45 feet from a wetland area. The shed will be seated on a gravel base and this is the only feasible location for the shed.

Mr. Budrow reported on a letter he sent to Nick Sapia regarding a propane tank which was installed on a property, underground and in close proximity to a wetland. Mr. Budrow will contact Mr. Sapia and report to the IWWC at the June 10, 2014 meeting.

Mr. Budrow reported on a property located at 2 Westbrook Road. There is “do not disturb” signage installed on the property demarcating the wetlands area, however there have been reports of ATV activity in that area. Mr. Budrow will look into this matter and report back to the IWWC at the June 10, 2014 meeting.

Mr. Budrow reported on a property located at 175 Westbrook Road. There is a pile of furniture and debris former tenants left behind which is situated behind a shed in close proximity to Tiffany Brook. Mr. Budrow has issued a letter requesting removal.

Chairman Report: Daniel Lapman

No report.

Planning Commission: John Ackerman

- Mr. Ackerman stated that the Planning Commission is working on the update of the Plan of Conservation and Development and also dealing with gateway and the train station area.
- The Planning Commission is also working on zoning amendment regarding signs and light.

- Open space tax abatements have been given and the Commission is looking at how they relate to the Plan of Conservation and Development.
- The Planning Commission is looking at grants for the beautification of Ivoryton.
- The Centerbrook vision project going forward with a facilitator from the Main Street organization.
- A committee is study the change of the road from the train station to the elementary school and working on a plan to create more of a community Main Street approach with benches, sidewalks and median strip and parking on the sides of the street.

Conservation Commission: Jeffrey Lovelace

- Mr. Lovelace reported that the three Preserves, Viney Hill Brook, Bushy Hill and Canfield Meadow Woods, are in good shape.
- The Conservation Commission is moving forward with mosquito, phragmite and invasive Bayberry abatement.
- The Falls River has changed course in the Bushy Hill Preserve.

Zoning Commission: Jim Hill

- Mr. Hill reported that the Zoning Commission approved the “Essex Place” construction project for senior housing of 22 units which will be located to the rear of the current senior housing property.
- The Zoning Commission is working on changes in wording of the zoning language in subsections of the zoning regulations.

Adjournment

MOTION made by D. Lapman to adjourn at 8:30 p.m. to the next regularly scheduled IWWC meeting to be held on Tuesday, June 10, 2014 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, N. Arnold, J. Lovelace, , J. Leo, J. Hill, J. Ackerman; **Opposed:** None; **Abstaining:** None; **Approved:** 7/0/0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary