

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*  
*Liaison Jim Hill, Zoning Liaison*

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

Unapproved

**Minutes - Regular Meeting**  
**Tuesday, November 12, 2013 at 7:30 P.M.**  
Town Hall, 29 West Avenue

**Call to Order and Seating of Members**

The regularly scheduled meeting of the Essex IWWC was conducted on October 8, 2013 in Conference Room A, of the Essex Town Hall at 7:30 p.m.

**Attending Members:**

Dan Lapman Chair  
Chuck Corson, Vice Chair  
Fred Szufnarowski  
Nancy Arnold  
Claire Tiernan, Planning Liaison  
Jeffrey Lovelace, Conservation Liaison  
Jim Hill, Zoning Liaison

**Absent Members:**

Jim Leo, Alternate  
Steve Knauth, Alternate

**Staff:**

Joseph Budrow, Zoning Enforcement Officer  
Stella Beaudoin, Recording Secretary

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

**Approval of Minutes – Regular Meeting October 8, 2013**

Page 4, Condition #1 of the Permit: “permanent turf *reinforcing mat*”.

Page 5, 6<sup>th</sup> paragraph, “..supervision of rain garden by the *engineer* during the construction process.”

Page 7, the Motion: Eliminate from the vote members, Fred Szufnarowski, Claire Tiernan and Nancy Arnold and include in favor of the vote Dan Lapman, Jeff Lovelace and Jim Hill.

**MOTION** made by Fred Szufnarowski to approve Minutes of the October 8, 2013 meeting as amended; **SECONDED** by Chuck Corson; **Voting In Favor:** D. Lapman, C. Corson, J. Lovelace, J. Hill, N. Arnold and C. Tiernan; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

### **Old Business**

**Application #13-16 on behalf of Elsewhere LLC, property located at 34 Plains Road, Essex, CT, Assessor’s Map 52, Lot 004-01, Zone District LI.** This is an application to locate an 11,301 s/f addition with associated parking, grading, storm water management and bio-retention basin within 100 feet of a wetland area. This is a restoration and sedimentation erosion control project.

Robert Doane, P.E presented on behalf of Elsewhere LLC. Mr. Doane presented a site plan of the property and the details of the proposal. Mr. Doane proposes the installation of a catch basin for the truck dock. Mr. Doane stated that the pipe discharging down to a rip rap apron will direct the water into a rain garden. The roof leaders will be directed to a recharge basin and tied into the level spreader and rain gardens and bio-retention areas will be utilized for the runoff. Mr. Doane stated that the applicant was not planning on future additions, however the business has been successful and the increase in the size of the structure is necessary so as to accommodate the volume and production.

Mr. Doane distributed drainage calculations to the Commissioners. Mr. Doane stated that the truck dock will have a hooded catch basin with a 4 ‘ sump. Mr. Doane stated that the first inch of runoff will go into the rain garden everything else will sheet flow over the rain garden into the mud river watershed. Mr. Doane stated that he did not bring along the second sheet of the plan, however on the second sheet is the detail of the rain garden and the requirements of the soil which is reconstructed with bio-mat, organics, etc. The selection of plants are provided by Richard Snarski, soil scientist. Mr. Snarski will be involved in the planting of the rain garden and he will also refresh the level spreader and eradicate the invasive species. Mr. Lovelace stated that the Japanese knotweed can be eradicated with round up.

Mr. Corson stated that this building has been expanded as far as feasible. Further expansion would not be beneficial for the surrounding wetlands and further runoff cannot be remediated.

**MOTION** made by Chuck Corson to approve a Permit for **Application #13-16 on behalf of Elsewhere LLC, property located at 34 Plains Road, Essex, CT, Assessor's Map 52, Lot 004-01, Zone District LI.** This is an application to locate an 11,301 s/f addition with associated parking, grading, stormwater management and bio-retention basin within 100 feet of a wetland area. 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. The engineer will supervise the contractor installation of the rain garden.
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 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 Nancy Arnold; **Voting In Favor:** D. Lapman, C. Corson, J. Hill, N. Arnold, J. Lovelace and C. Tiernan; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

**Other Business** - There was no other business.

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

**Wetlands Agent Report:**

**Joseph Budrow** reported at the October 8<sup>th</sup> IWWC meeting that there are two properties in Town which are owned by Richard and Joanne Faraci on which they have performed a good deal of landscaping and removed trees in areas within the wetlands. At the March 12, 2013 IWWC meeting, the Faraci's were issued IWWC Permit #13-5 for the construction of a new single family dwelling to a point 42 feet from the wetlands and 85 feet from Ward Brook. The original house was lost in a fire and a new cape style house was proposed to be constructed on the same footprint. On this property located at 55 Deep River Road, the Faraci's have removed all of the plantings and grass behind the house.

Mr. Budrow stated that the second violation is for property at 35 Comstock Avenue owned by Richard and Joanne Faraci where they cleared a brook. Mr. Budrow stated that the two rows of sediment fencing that were required by the IWWC have been removed.

Mr. Corson stated that when this proposal previously came before the IWWC for approval Commissioners requested that the applicant leave sediment fence in place and requested the installation of a second sediment fence to protect the wetlands. Mr. Budrow stated that the second silt fence was installed during construction however the house is up and Mr. Budrow gave approval to remove the second fence.

Joanne Faraci presented. Mrs. Faraci commented on the Comstock property and stated that the culverts on the street were installed by the Town. Ms. Faraci stated that since April 2012, she has asked Public Works to clean out the culverts.

Richard Faraci stated that he contacted Public Work in April 2012 and spoke with David Caroline, Foreman and was told that he was to cut down the brush and to remove the trees to prepare the area so that Public Works could come in and clean out the culverts.

Mr. Budrow stated that he and Mr. Caroline visited the property to look at the culverts and remediate the flooding. Mr. Caroline did not think the property was sinking. The tree then came down and the Faraci's corresponded with Dave Caroline. Mrs. Faraci distributed pictures of the Ivoryton property showing debris piled on top of the culvert. The garden went to the brook and the brook was used to water the garden. No trees came down and nothing was pulled out. There was just some brush removed.

Ms. Arnold informed the applicant that in order to plant within the 100 feet, they must apply for a wetlands permit.

Ms. Faraci commented on the Deep River Road property and stated that the property has been in the family for one hundred years and for the past few decades, every four years she has cleaned the phragmites, bamboo, Barberry and other invasive species. A permit was issued and in the area of no disturbance was a lawn which went right up to the brook. Mrs. Faraci stated that she cut back on the other side of the brook every few years as the debris and growth over-grows into the brook and the brook backs up. Ms. Arnold stated inasmuch as the Faraci's have spoken with Dave Caroline and with Joe Budrow over the past two years, going forward Ms. Arnold suggested that the Faraci's speak with the first selectmen

and inform him that the culverts are not being cleaned and that the brooks are backing up and it is the responsibility of the Town to maintain. Ms. Arnold suggested that Mrs. Faraci put forward her request in writing to the public works department and copy Norm Needleman. Members agreed that a permit would not be necessary for the work that has already been done.

Mr. Budrow reported on property on Walnut Street, property owned by Charles Burdick. Mr. Budrow stated that there is a brook on the property and Mr. Burdick has since scalped the earth and removed the top layer of soil and vegetation in order to remove the phragmite. There was also tree removal further from the brook, however there is no wetland delineation and it is difficult to ascertain if Mr. Burdick felled the trees within 100 feet of the wetland. Mr. Corson stated that winter is upon us and there is nothing to protect the ground surface from erosion. Ms. Arnold stated that a Permit app needed for proposed activities s to be conducted

**MOTION** by Nancy Arnold for property owned by Charles Burdick on Walnut Street, Ivoryton, CT, that silt fencing be installed in the disturbed area to protect the watercourse for the duration of winter thru the March 15<sup>th</sup>. Mr. Burdick will present an application to the IWWC prior to March 15, 2014 advising the Commission of whatever activities will take place on this property within the regulated area. The plan will also include protection on either side of the channel with some sort of stabilization material, i.e., mulch, etc. The Wetlands Enforcement Agent will review as to the acceptability of the materials and review the plan for stabilization. **SECONDED** by Claire Tiernan; **Voting In Favor:** D. Lapman, C. Corson, J. Hill, N. Arnold, J. Lovelace and C. Tiernan; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Charles Burdick presented and asked if salt hay was the best protection and Mr. Corson stated that salt hay will provide adequate protection. Mr. Burdick was informed that he cannot do any further activity on the property without filling out an application and informing the Commission of his plan. Mr. Burdick stated that one year ago he asked Mr. Caroline if he could dig the phragmite and Mr. Caroline approved the removal cautioning Mr. Burdick not to dig any holes. Mr. Burdick removed some trees, put them down on the ground and the phragmite on top of the pine trees with a plan to burn them in February. Mr. Burdick stated that he has been maintaining the creek since well before 1974. Mr. Burdick will take care of the situation and if he is encroaching in the wetland, he will take care of it.

Mr. Budrow reported that Essex Meadows will come in with a plan to clean out retention basins.

#### **Chairman Report:**

Mr. Lapman stated that Commission terms are scheduled to expire for Mr. Corson and Mr. Knauth. Mr. Lapman will inform the First Selectman that both Mr. Knauth and Mr. Corson wish to seek reappointment for another 3-year term.

**Planning Commission:**

Claire Tiernan – No report.

**Conservation Commission:**

Jeff Lovelace reported that the Conservation Commission conducted their regularly scheduled meeting on November 7, 2013 and that there is nothing new to report.

**Zoning Commission:**

Jim Hill - No report.

**Adjournment**

**MOTION** made by D. Lapman to adjourn at 8:40 p.m. to the next regularly scheduled IWWC meeting to be held on Tuesday, December 10, 2013 at the Essex Town Hall, 2<sup>nd</sup> Floor Conference Room A, 29 West Avenue at 7:30 p.m.; **SECONDED** by Steve Knauth; **Voting In Favor:** D. Lapman, C. Corson, J. Lovelace, J. Leo, J. Hill, S. Knauth; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Respectfully submitted,

Stella C. Beaudoin  
Recording Secretary