

Unapproved

TOWN OF ESSEX

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

MINUTES – Regular Meeting

October 9, 2012

Call to Order and Seating of Members

The regularly scheduled meeting of the Essex IWWC was conducted on October 9, 2012 in the Conference Room A, of the Essex Town Hall. Those members in attendance were Chair, Daniel Lapman, Vice Chair, Chuck Corson, Nancy Arnold, Fred Szufnarowski and Claire Tiernan, Planning Commission Liaison.

Absent: Steve Knauth, alternate, Jim Leo, alternate, Jeff Lovelace, Conservation Commission Liaison and Larry Shipman, Zoning Commission Liaison.

Staff: Joe Budrow, Wetlands Enforcement Agent and Zoning Enforcement Agent and Stella Beaudoin, Recording Secretary.

Mr. Lapman called the meeting to order at 7:45p.m.

Approval of September 11, 2012 Minutes

Motion made by Fred Szufnarowski to accept the September 6, 2012 Minutes as presented.

Motion seconded by Chuck Corson and passed unanimously.

Approval of the September 17, 2012 site walk Minutes for 19 Heron Pond Road

Motion made by Claire Tiernan to accept the September 17, 2012 Site Walk Minutes as presented for 19 Heron Pond Road.

Motion seconded by Fred Szufnarowski and passed unanimously.

Old Business

Application #12-11, Juliano's Pools, LLC on behalf of Glen Brooks, property located at 19 Heron Pond Road, Essex, CT, Assessor's Map 74 Lot 1-9. This is an application for the installation of a 16' x 32' in-ground swimming pool which involves excavation, construction and backfill. The disturbed area will be re-graded.

The IWWC conducted a site walk on Monday, September 17, 2012 at 6:00 p.m. Members in attendance were Chair Dan Lapman, Nancy Arnold, Steve Knauth, Jim Leo and Claire Tiernan

Brian Juliano, of Juliano's Pools presented. Mr. Juliano stated that he proposes to begin construction of the pool in the spring 2013. The applicant wishes to install a 52" high pool code fence around the wood line, off of the corner of the house. The fence material is comprised of a black, powder coated aluminum. The applicant intends to install the fence immediately.

Mr. Budrow stated that if the fence is proposed to be installed east / west along the tree line and it will be within 100 feet of the regulated area. Mr. Budrow stated that the fence may not be installed within the conservation easement on this property.

- **Motion** made by Fred Szufnarowski to grant a Permit for **Application #12-11, Juliano's Pools, LLC on behalf of Glen Brooks, property located at 19 Heron Pond Road, Essex, CT, Assessor's Map 74 Lot 1-9.** This is an application for the installation of a 16' x 32' in-ground swimming pool which involves excavation, construction and backfill. The disturbed area will be re-graded. Based on the documents presented and on the testimony given at this meeting along with 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 installation of a fence on the property is not written into the application and shall be added herein, including the notification to the town staff so that the fence can be inspected upon installation.
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 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 Nancy Arnold and passed unanimously.

New Business

Application #12-12, Robert Rutty, property located at 43 Pond Meadow Road, Ivoryton, CT, Assessor's Map 62 Lot 11-2. A regulated activity was observed taking place on this property to include removal of six trees; placement of residual tree mulch along an area that crossed a watercourse and the cleanout of sediment from the streambed. Mr. Budrow visited the site and it was determined that a watercourse crossing was installed ten years ago without the necessary permitting. The crossing consists of a 12" wide plastic corrugated pipe approximately 14 feet long that was covered with earth and topped with a mulch material. This is an application to approve the existing conditions at the northeast corner of the lot.

Mr. Robert Rutty presented on behalf of this application. Mr. Rutty confirmed the installation of a drainage pipe ten or so years ago, without first obtaining the necessary permitting to do so. Mr. Rutty stated that the pipe carries water from the street to a drainage ditch. Mr. Rutty stated that he also removed the trees which were leaning over the power lines leading to the house.

The IWWC will conduct a site walk on Saturday, October 13, 2012 at 9:00 a.m. for property owned by Robert Rutty at 43 Pond Meadow Road, Ivoryton, CT, Assessor's Map 62 Lot 11-2.

Other Business

Attorney Terrance Lomme presented on behalf of Susan and George Baker, 9 South Cove Road, Essex, CT. Attorney Lomme stated that the applicant wishes to rebuild their house within 50 feet of the water.

The IWWC will conduct a site walk on Saturday, October 13, 2012 at 9:45 a.m. for property owned by Susan and George Baker at 9 South Cove Road, Essex, CT.

Correspondence and Invoices - No correspondence.

Reports

Wetlands Agent, Joseph Budrow.

Mr. Budrow stated that the Conservation Commission is in the process of constructing several elevated bog bridges in the Viney Hill Brook Park Preserve. One bridge has been constructed and the Commissioners are in process of constructing three additional bridges.

Mr. Budrow commented on the property located at 2 Westbrook Road, Centerbrook owned by Lab Property Group which is situated next to the Centerbrook Post Office. Mr. Budrow, stated that he is working with George Brooks and "Town of Essex Wetland Protected Area" signage will be posted on posts in prominent locations around this property site within the next week.

Mr. Budrow reported that CL&P is in the process of clearing trees in the Falls River area. A resident utilizing a bulldozer cleared the brush. Mr. Budrow stated that he did not believe that there was any damage to the property caused by the bulldozer.

Chairman Report, Daniel Lapman

Mr. Lapman received an update from the Town Clerk apprising of the renewal of Commission appointments for Nancy Arnold, Jim Leo and Larry Shipman. Ms. Arnold stated that she wishes to renew her term.

Mr. Corson commented on a Westbrook Road property for which permission was granted at the April 2012 regularly scheduled IW meeting to clear the lot of vegetation and to replace with trees, grass and plants. The property is a 3.46 vacant lot on Westbrook Road and it contains a wetlands area in the center of the property. The property was previously clear cut and a wetland violation was incurred in 2006. The area surrounding the man-made pond in the middle of the property was clear cut by the former owner of the convalescent property. The site has grown back with and the current owner through Robert Doane, P.E., it's agent had requested to remove the invasive species and replant with grasses and hardwoods.

Mr. Corson stated that as per the 2006 application, the restoration of the wetlands was made a requirement of the IW Permit. Mr. Corson stated that there is a new owner of the property and the restoration of the wetlands was not made a requirement with the April 2012 application and Permit for the same property.

Mr. Budrow will email the remediation permit to members for their review. Mr. Corson stated that when the restoration takes place, further remediation must be done in the wetlands on the property

Mr. Lapman stated that Mr. Doane will come before the IWWC at the next meeting to explain his plan for remediation of the wetlands.

Planning Commission, Claire Tiernan

Ms. Tiernan reported that the Planning Commission met on September 13, 2012 and the public hearing on the Ingham Hill Road Subdivision was concluded at that meeting. An approval has not yet been granted to that application. The Planning Commission is being sued by the applicant of the Foxboro Road Subdivision. The Transportation subcommittee has made recommendations for certain areas of town, that are particularly dangerous, i.e., Grove Street and the Dennison Road intersection. The residents of Grove Street are concerned about the foot traffic. The Planning Commission intends to suggest the installation of signage noting bicyclists.

Conservation Commission, Jeff Lovelace. No report.

Zoning Commission, Larry Shipman - no report.

Adjournment

Motion made by Dan Lapman to adjourn at 8:20 p.m.

Motion seconded by Nancy Arnold and passed unanimously.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary

The next regularly scheduled meeting of the Essex IWWC will be conducted on November 13, 2012 in Room A of the Essex Town Hall.

The proceedings of the October 9, 2012 meeting were recorded on 1 audio card. Please speak with the Essex Zoning Office for further information.