

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
Fred Szufnarowski
Vacancy, Planning Liaison
Jeffrey Lovelace, Conservation Liaison
Jim Hill, Zoning Liaison
Vacancy, Planning Liaison
Vacancy Regular Member

Alternate Members
Steve Knauth
Jim Leo

Unapproved

Minutes - Regular Meeting
Tuesday, February 10, 2015

Call to Order and Seating of Members

The regularly scheduled meeting of the Essex IWWC was conducted on February 10, 2015 in Conference Room A, of the Essex Town Hall at 7:30 p.m.

Attending Members:

Daniel Lapman
Chuck Corson
Fred Szufnarowski
Jim Hill
Jim Leo

Absent Members:

Nancy Arnold
Steve Knauth
Jeffrey Lovelace

Staff:

Joe Budrow, Wetlands Enforcement Agent
Stella Beaudoin, Recording Clerk

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

MOTION made by C. Corson to seat Jim Leo for Nancy Arnold; **SECONDED** by F. Szufnarowski; **Voting In Favor:** C. Corson, J. Hill, J. Leo, F. Szufnarowski, D. Lapman; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

Approval of January 13, 2015 Regular Meeting and Minutes and January 17, 2015 Site Walk Minutes for property at 6 Main Street, Centerbrook (Witch Hazel property).

The following changes were recommended to the January 13, 2015 Minutes:

- Page 2, next to last paragraph, 3rd line from bottom: change “property separate” to “*properly* separate”.
- Page 3, middle of page the sentence that reads: “C. Corson stated that the rip rap may be better off as a turf reinforcement, noting that if TRM is placed and grassed over the aesthetic value will be comparable.” C. Corson noted that the TRM is greener than rip rip however he requested that the verbiage, “aesthetic value” be removed from the sentence.
- Page 4, top paragraph, 4th line to read: “created with a hay *bale*”
- Page 5, under report of C. Corson, Vice Chair: “FOI meeting” changed to “FOI workshop” and last line to read: “related to *any* proposals before the specific commissions.”
- Change the Minutes to reflect that Joe Budrow was not at the meeting, however Robert Doane, P.E. was in attendance.

MOTION made by D. Lapman to approve the January 13, 2015 Minutes as amended;

SECONDED by F. Szufnarowski; **Voting In Favor:** C. Corson, J. Hill, J. Leo, J. Lovelace, F. Szufnarowski, D. Lapman; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

The following changes were recommended January 17, 2015 site Walk Minutes on behalf of Application 14-14 – Macbeth Ventures, LLC, 6 Main Street, Centerbrook:

- First full paragraph, last line change to add the word *soil*: “contaminated *soil* will be removed”
- C. Corson requested to have added to the Minutes a mention of the fact that because of the row of trees that are being removed in the area of the contaminated soil along the bank, there should be a planting plan for trees or bushes. The existing vegetation will be cleared out and there should be replacement plantings.

MOTION made by D. Lapman to approve the January 17, 2015 Site Walk Minutes as amended;

SECONDED by F. Szufnarowski; **Voting In Favor:** C. Corson, J. Hill, J. Leo, F. Szufnarowski, D. Lapman; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Regular Meeting

Application 14-14 – Macbeth Ventures, LLC, 6 Main Street, Centerbrook. This is an application to install a new entrance to the property from Main Street. The activity will occur along a small watercourse.

The activities proposed in this application include environmental remediation of historic site conditions caused by on site disposal of coal and wood ash; proposed entrance/exit onto Route 154 on the subject property including the installation of a block retaining wall, guardrails and paving; Clearing, grading and rip rap stabilization along part of the slope along the adjacent wetlands, as part of both environmental remediation and entrance way construction; placement of temporary water handling along the edge of the brook in order to property separate watercourse flows from the work area. The majority of the proposed activities will occur within the wetlands setback area and are associated with the necessary remediation activities.

Attorney John Bennet presented on behalf of the applicant. This is a proposal to run an entrance extending from the north side of the property out onto Main Street.

D. Lapman provided a copy of the January 17, 2015 site walk Minutes to J. Bennet, et al.

F. Szufnarowski read into the record a letter dated Feb 9, 2015 from Robert Doane, P.E. addressing his review of the 12/1/2014 site plan prepared by Angus McDonald, Gary Sharpe Associates along with R. Doane's recommendations. This letter has been made a part of the file on behalf of Application 14-14 – Macbeth Ventures, LLC, 6 Main Street, Centerbrook.

C. Corson asked if a revised plan was submitted reflecting those comments and suggestions made at the January 13, 2015 IWWC meeting and the January 17, 2015 site walk.

J. Bennet stated that there is no new site plan and that the consensus is that the rip rap is the preferred way to stabilize the property, and as such the existing plans outline the details.

Susan Marquardt, P.E., from Angus McDonald, Gary Sharpe Associates presented. S. Marquardt acknowledged the discussion at the January 13th IWWC meeting related to the placement of turf reinforcement mat (TRM). S. Marquardt stated that in certain circumstances, when installed properly and maintained, the TRM will work. However in this situation with wetlands at the tow of the slope it was felt that rip rap would be a more permanent method for stabilization.

C. Corson stated that he disagrees with the placement of rip rap and if this application is approved, he will ask that the Commission make a condition of approval the placement of TRM.

Sam Haddock, BL Companies stated that he is involved with the environmental remediation and stated that he share concerns regarding erosion and stability. However, it has been his experience that the rip rap is a more protective, long term, remedial solution to address the contamination issues. S. Haddock stated that it is the recommendation of BL Companies to maintain the design as drawn with rip rap slope.

C. Corson stated that with regard to the planting of the slope, if you place rip rap then you cannot plant anything in the area that is going to be wide open.

S. Haddock stated that in the area where they will be working to the south, where there is no rip rap, the installation of native plants will be appropriate and he stated that he is in agreement with C. Corson that along the rip rap slope, the likelihood of the plantings surviving would be highly unlikely.

C. Corson stated that rip rap would not be better

J. Bennet stated that there will be very little if any impact to the wetlands, however there may a modest, temporary impact when the bales are put in place to protect the wetlands while the work is being done on the slope.

MOTION made by Fred Szufnarowski to approve a Permit for **Application 14-14 – Macbeth Ventures, LLC**, 6 Main Street, Centerbrook. This is an application to install a new entrance to the property from Main Street. The activity will occur along a small watercourse. Based on the documents presented, the site walk 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:

- a. 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.
- b. 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.
- c. 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.

- d. 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.
- e. The applicant will implement the recommendations made by Robert Doane, P.E. as outlined in his letter dated February 9, 2015 which has been made a part of the application file. Upon the installation of these measures, R. Doane will be onsite to review and approve the work.

Discussion: C. Corson indicated that it is his recommendation that the applicant be required to use TRM instead of rip rap and to provide plantings along the slope within that area.

J. Hill stated that the adjacent road will incur a fair amount of use from larger trucks, etc. noting that nothing short of what is proposed will hold up, particularly in inclement weather. J. Hill stated that he is in favor of the proposed use of rip rap.

C. Corson stated that he is in favor of the TRM. If anchored properly, it can be used instead of rip rap. It will hold up on a 1/1 slope with water gushing down.

F. Szufnarowski stated that he recognizes Commissioner Corson's concerns, however the applicant expressed a concern about the stability of side slopes and erosion, and F. Szufnarowski stated that he would not want to do anything to compromise the integrity of the slope. F. Szufnarowski stated that he is not that knowledgeable in this area and it is his concern that if the Commission amends the recommendations made by the applicant's engineers, and if those recommendations made by the Commission do not work, the outcome of the project may be negatively impacted. F. Szufnarowski stated that he tends to defer with the professional's recommendations.

J. Leo stated that he is in agreement with F. Szufnarowski.

C. Corson withdrew his suggested condition. C. Corson stated for the record that he is a professional engineer and that he is a certified professional in sedimentation and erosion control.

MOTION SECONDED by J. Leo; **Voting In Favor:** J. Hill, J. Leo, F. Szufnarowski, D. Lapman; **Opposed:** None; **Abstaining:** C. Corson; **Approved:** 4/0/1.

Application 15-1 – Bradford Carpenter and Kate McSpadden, 26 Hemlock Drive.

This is an application to remove an existing attached deck and replace with a new deck. Also, to modify an existing septic system and to locate a new detached garage within 100 feet of South Cove.

Sabrina Foulke, Architect, with Point One Architects presented on behalf of the applicant. S. Foulke presented a site plan and stated that she is looking to remove the existing, failing deck which is three

feet from the Cove and proposes the construction of a newly reconfigured deck which pulls away from the cove more so than the existing deck.

The second piece of this proposal is for the relocation of the new septic which is currently proposed to be situated in the area of an existing driveway on the property. The 1600 s.f. of existing driveway will be removed, and by doing so will also serve to increase the pervious area of the property. The current parking area has drainage flowing through the retaining wall and the water is draining onto a section that is closer to the Cove. Once the parking area is removed, the runoff will no longer flow into the Cove.

The third piece of this proposal involves the construction of a garage which was previously issued a variance for construction. The garage was not built and there is currently a small shed in the area where the garage was to go. The applicant would like to build a garage and this structure would in fact will be smaller than was previously approved due to the setbacks from the location of the proposed septic system. The design of the septic is approved by the Town Sanitarian conditioned that the installation of a new well proves potable. The location of the well cannot be determined until wires are removed by the electric company. Once that is accomplished, a well will be installed, tested and proved potable and then the septic will be installed. The builder would like to construct the garage in conjunction with the installation of the septic. The existing septic is noncompliant.

S. Foulke met with Torrance Downes, Staff Planner for the Gateway Commission as this proposal is within the 50 foot Gateway buffer. T. Downes requested the installation of native species at the waters edge. Anne Pennimen has been retained as the landscape architect.

J. Budrow stated that this application will go before the Zoning Board of Appeals for approval of the construction of the deck which has a proposed location within the rear setback.

C. Corson stated there will no lumber treated with arson used in the construction of the deck.

C. Corson stated that as per the plan, the septic system has some of the piping running within the circles from the wells which is not a problem as long it is tight pipe. C. Corson stated that he did not see this condition noted on the plans and suggested that the Sanitarian will most likely make this a condition of her approval.

S. Foulke submitted a letter from the Department of Health dated November 20, 2014 in which the sanitarian states that the design of the septic is approved as long as the well proves potable.

MOTION made by Fred Szufnarowski to approve a Permit for **Application 15-1 – Bradford Carpenter and Kate McSpadden**, 26 Hemlock Drive. This is an application to remove an existing attached deck and replace with a new deck. Also, to modify an existing septic system and to locate a new detached garage within 100 feet of South 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 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:*

- a. 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.
- b. 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.
- c. 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.
- d. 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 C. Corson; **Voting In Favor:** C. Corson, J. Hill, J. Leo, F. Szufnarowski, D. Lapman; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

Correspondence and Invoices

There was no correspondence

There were no invoices.

Wetlands Agent Report - Joseph Budrow

- J. Budrow reported that Nancy Arnold has submitted a letter of resignation effective immediately. This leaves the IWWC with two vacancies.
- J. Budrow reported that he sent a letter to Beccaro on 12 New City Street. The Town has a drainage system that runs under Grove Street and down to New City Street and empties into a drainage pit into the backyard of the Beccaro's. A month or so ago, they installed a concrete receptacle resembling a sarcophagus in order to accept the drainage and to also serve as a safety precaution. J. Budrow spoke with R. Doane and forwarded him pictures of the receptacle. R. Doane will contact the gentleman who constructed the receptacle. An application seeking a wetlands Permit related to this matter will come before the Commission at the March 10, 2015 meeting.

- J. Budrow reported that he will contact Michael Picard regarding the notice of violation which was sent on October 24, 2014 for property located at 147 Saybrook Road in Essex. M. Picard will be asked to present at the March 10, 2015 IWWC meeting.

Chair Report – Daniel Lapman: No report.

Vice Chair Report – Chuck Corson:

- C. Corson reported that he attended a municipal training workshop on ethics, accountability and conflicts of interest. C. Corson referenced a few issues that the IWWC has encountered in the past, noting that if someone has a conflict of interest or even an apparent or perceived conflict of interest, the commission member should recuse him/herself. However recusal is the member's choice and the Commission cannot force anyone to recuse themselves. If the Commissioner makes the decision to remain seated, he/she must announce the details of the potential conflict, say they have no prejudice and then they may stay on.
- C. Corson stated that there was another instance where the Conservation Commission presented before the IWWC and two IWWC members recused themselves, vacating the meeting room. Those IWWC members were not required to leave the room, they may have remained in the audience. If they recused themselves because they are related to a seated Conservation Commission member, then they would have been required to leave the room.
- C. Corson referenced another IWWC meeting at which an audience member who held a political office testified, stating that they were speaking only as a private citizen and not in the capacity of the office they held. In this situation, it is the duty of the Commission to point out that there is a possible ethics violation.

Planning Commission – No report.

Conservation Commission – Jeffrey Lovelace: No report.

Zoning Commission – Jim Hill

- J. Hill reported that the Zoning Commission met on February 9, 2015 and reviewed two items which are related to the wetlands: The Bombaci family is seeking to rezone the property formerly owned by Josephine Bombaci on Bokum Road, for future development to permit life care on one side of road, and to permit Essex Glen Active Adult Community which will be situated on the other side of Bokum Road.
- J. Hill reported that there was a lengthy discussion at the 2/9/2015 Zoning Commission meeting on portable signs.
- C. Corson commented on the Zoning Commission meeting discussion related to the future development on Bokum Road noting that there is serious drainage coming toward the railroad tracks from the Old Saybrook side, which comes right out onto

the road. C Corson suggested that any application for proposed construction should include a plan for improvement of the drainage during construction.

Other:

- F. Szufnarowski suggested that future IWWC meetings begin at 7pm.

MOTION made by D. Lapman to change the start time of the IWWC meetings from 7:30 p.m. to 7:00 p.m.; **SECONDED** by C. Corson; **Voting In Favor:** C. Corson, J. Hill, J. Leo, F. Szufnarowski, D. Lapman; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

Adjournment

MOTION made by D. Lapman to adjourn at 8:25 p.m. to the next regularly scheduled IWWC meeting to be held on Tuesday, March 10, 2015 at the Essex Town Hall, 2nd Floor Conference Room A, 29 West Avenue at 7:00 p.m.; **SECONDED** by C. Corson; **Voting In Favor:** C. Corson, J. Hill, J. Leo, F. Szufnarowski, D. Lapman; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary