

TOWN OF ESSEX
Inland Wetlands and Watercourses Commission

Executive Board
Daniel Lapman, Chairman
Fred Szufnarowski, Vice Chair

29 West Avenue • Essex, Connecticut 06426
Telephone (860) 767-4340 • FAX (860) 767-8509

Regular Members
Jim Leo
Steve Knauth
Jeffrey Lovelace, Conservation Liaison
Jim Hill, Zoning Liaison
Vacancy, Planning Liaison

Alternate Members
Bill Cook

Unapproved

Minutes - Regular Meeting
Tuesday, October 13, 2015

Call to Order and Seating of Members

The regularly scheduled meeting of the Essex IWWC was conducted on October 13, 2015 in Conference Room A, of the Essex Town Hall at 7:00 p.m.

Attending Members:

Daniel Lapman
Jeffrey Lovelace
Jim Hill
Steve Knauth
Bill Cook, Alternate seated for F. Szufnarowski

Absent Members:

Jim Leo
Fred Szufnarowski

Staff:

Stella Beaudoin, Recording Clerk
Joe Budrow, Zoning Enforcement Officer

Mr. Lapman called the meeting to order at 7:00 p.m.

MOTION made by D. Lapman to seat B Cook for F. Szufnarowski at this evening's meeting;
SECONDED by S. Knauth; **Voting In Favor:** J. Lovelace, J. Hill, B. Cook, D. Lapman, S. Knauth;
Opposed: None; **Abstaining:** None; **Approved:** 5/0/0.

Approval of September 8, 2015 Regular Meeting Minutes

MOTION made by J. Lovelace to approve the September 8, 2015 Minutes with the following amendments; 1. Page 3, Application No. 15-12 to read "*ten inch in diameter sonitubes*"; 2. Page 6, "adjournment to *October 13, 2015*"; 3. Page 5, 2nd to the last line: "Joe Budrow will inspect the property

again on *September 28, 2015*"; **SECONDED** by J. Hill; **Voting In Favor:** J. Lovelace, J. Hill, B. Cook, D. Lapman, S. Knauth; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

MOTION made by J. Lovelace to approve the Site walk Minutes of September 14, 2015 as presented; **SECONDED** by S. Knauth; **Voting In Favor:** J. Lovelace, J. Hill, B. Cook, D. Lapman, S. Knauth; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

OLD BUSINESS

- **Application No. 15-14 – Town of Essex**, Public Works building construction. This is an application to construct a new public works building to a point 20 feet from a watercourse.

This is an application to permit the construction of a 40' x 80' post and beam design storage building with a 12' x 40' overhang. Municipal equipment will be stored in this structure. There will be no fuel or oil storage in this facility. Fill will be required to bring the rear of the building to grade. A cross wall will be installed between piers, and a concrete slab will be placed for the floor of the building. Rip rap will armor the bank of the stream that is 20 feet away from the proposed structure.

A site walk was conducted on September 14, 2015 on behalf of this application.

An alternative location further to the south of the current proposed structure was suggested at the site walk. Due to storage concerns and accessibility the Commissioners in attendance at the site walk agreed that rotating the building and locating the northeast corner ten feet further away from the street would also eliminate the need for additional fill.

Robert Doane, P.E., presented on behalf of the Town of Essex regarding the 92' x 40' proposed building to be located at the Town Garage site. R. Doane stated that based on the recommendations made at the September 14th site walk, it was decided to rotate the northeasterly corner of the building, 10 feet further away from the stream to get it off of the bank so as to lessen the impact on the bank and the surrounding trees. R. Doane presented plans with the relocation of the proposed building. The building will be constructed in the spring 2016.

J. Budrow asked about the installation of gutters on the structure, directing water away from the stream.

R. Doane stated that by directing water flow away from the stream, it would redirect the water flow right into the yard. It would be better if the water on the roof was directed to the stream and allowed to flow across the ground and into the stream. R. Doane suggested the installation of gutters on the backside of the building and adding rip rap.

MOTION made by J. Lovelace to approve a Permit for **Application No. 15-14 – Town of Essex**, Public Works building construction. This is an application to construct a new public works building to a point 20 feet from a watercourse. Based on the testimony given at this meeting, and the accompanying documents and the site walk, 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. Approved in accordance with and subject to the plans revised on September 9, 2015.
- f. A gutter will be installed on the north side of the building with rip rap on the down spouts.

MOTION SECONDED by B. Cook; **Voting In Favor:** J. Lovelace, J. Hill, B. Cook, D. Lapman, S. Knauth; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

NEW BUSINESS

- **Application 15-15 Michael Picard, property located at 141, 147 & 155 Saybrook Road, Map 71 Lots 22, 23 & 24.** This is an application for proposed wetland remediation.

This is an application for wetland remediation pursuant to CT DEEP Notice of Non-Compliance and Essex Notice of Violation. The work consists of removal of stone and grass/lawn area, planting of native plants to provide a wetland buffer, placement of topsoil and cover/spreading plants along the embankment slope and planting of wetland species in the wetland area.

The Commission previously approved a site plan for M. Picard, Application #13-4 for a wetland enhancement plan that consisted of creating a small pond with the installation of wetland plantings. Under the purview of Richard Snarski, Wetlands Soil Scientist, invasive species were removed and trees were limbed and freed of vines. The IWWC also approved the removal of trees from 141 and 147 Saybrook Road and the installation of a short wall along the shoreline of the 141 address. Each lot was also approved for the construction of new, single family dwellings with septic systems. To date, only one house been built.

J. Budrow, Wetlands Enforcement Agent inspected a newly constructed carriage house on the site and he observed that the entire wetland area from Saybrook Road to the culvert was lined with rip rap stone. This stone was not detailed on the previously approved site plan. After meeting with Kevin Zawoy, DEEP official, M. Picard was notified of a wetland violation and immediately started remediation action with the oversight of K. Zawoy. The violation is the deposition of rip rap stone within 100 feet of the watercourse and the State of CT DEEP was brought in due to the presence of the tidal wetlands. A cease and desist was not issued as M. Picard's immediate response was to first work with the State of CT.

M. Picard presented on behalf of this application. M. Picard stated that eighteen months ago he came to the IWWC with a permit request to remediate the wetland. Richard Snarski, soil scientist and Tom Metcalf, P.E. were retained to complete the work. M. Picard stated that toward the end of the remediation, the caretakers of the property weed-whacked and removed some of the wetland plantings. There were a few sections of the property that were eroding and invasive plants were forming, and rip rap stone was placed around the wetlands.

Joe Budrow, Wetlands Enforcement Agent inspected the property and he discovered the placement of the stone and he felt that the activity was significant enough to require an amendment to the previously issued Permit. The CT DEEP became involved and it was discovered that some of the stone was placed within the CT DEEP tidal wetlands. It was recommended that the stone within the tidal wetlands be removed and install native species plantings.

M. Picard stated that he is seeking permission to remove the stone on the north side and to install rip rap on the south side of the property. A condition of the recommendation from the DEEP was that M. Picard complete the work by November 1, 2015. This proposal is for minimal stone removal on the south side of the property, filling in the area with dirt and plantings and on north side of the property, removal of the stone by hand and install plantings with R. Snarski overseeing the project.

MOTION made by B. Cook to approve a Permit for **Application 15-15 Michael Picard, property located at 141, 147 & 155 Saybrook Road, Map 71 Lots 22, 23 & 24.** This is an application for proposed wetland remediation. Based 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. Permission granted to work within the wetland through November 1, 2015.
- f. The applicant will follow the proposed remedial activities as stated on plans prepared by Richard Gates, LS, May 1, 2015 survey.

MOTION SECONDED by S. Knauth; **Voting In Favor:** J. Lovelace, J. Hill, B. Cook, D. Lapman, S. Knauth; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

- **Application #15-15, Conservation Commission, Town of Essex, Cedar Grove Terrace, Map 68 Lot 1.** This is an application to replace the earth berm pipe with a multifaceted pipe and fence structure. Much of the work will be underwater.

J. Lovelace recused himself for this application. Seated for this proposal were D. Lapman, B. Cook, S. Knauth and J. Hill.

Within Viney Hill Brook Park there are two large ponds. The southern pond is formed by an earthen berm that allows water out via a pipe that passes through the berm. The water is released into a stream that meanders northward to the other large pond.

Frank Hall, Conservation Commission Secretary presented. F. Hall stated that the Conservation Commission is seeking a permit to install a keystone fence and a flexible pond leveler in the Quarry Pond in Viney Hill Brook Park. The device would keep the beavers away from the culvert and maintain a steady flow of water through the culvert. F. Hall stated that the work should take no more than one day to complete, however he requested an extension of time beyond October 15, 2015 permitted activity time frame to complete the work.

MOTION made by S. Knauth to approve a Permit for **Application #15-15, Conservation Commission, Town of Essex, Cedar Grove Terrace, Map 68 Lot 1.** This is an application to replace the earth berm pipe with a multifaceted pipe and fence structure. Much of the work will be underwater. Based 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. Permission granted for an extension to December 1, 2015 for the completion of this project

MOTION SECONDED by J. Hill; **Voting In Favor:** D. Lapman, B. Cook, S. Knauth and J. Hill; **Opposed:** None; **Abstaining:** None; **Approved:** 4/0/0.

OTHER BUSINESS

J. Lovelace joined the meeting.

MOTION made by D. Lapman to place Todd McCann, Earth Care Services, Inc. on the Agenda; **SECONDED** by J. Hill; **Voting In Favor:** J. Lovelace, J. Hill, B. Cook, D. Lapman, S. Knauth; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

Todd McCann Earth Care Services, Inc requested an extension to complete the installation of all plant materials at 6 Hemlock Drive.

MOTION made by D. Lapman to approve an extension of time to Todd McCann, Earth Care Services, Inc. for completion of all plant material work at 6 Hemlock Drive; **SECONDED** by J. Hill; **Voting In Favor:** J. Lovelace, J. Hill, B. Cook, D. Lapman, S. Knauth; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

Correspondence and Invoices

- There were no invoices.
- There was no correspondence.

Wetlands Agent Report - Joseph Budrow

J. Budrow reported that there will be two wetland permit applications before the IWWC in the upcoming months, one of which will be for a driveway in Essex Village.

- **Chair Report – Daniel Lapman:** Reminded J. Budrow to send letters to Wetland Permit holders indicating that all work within the wetlands will cease on October 15, 2015, which begins the non-permitted activity months.
- J. Budrow will follow up to the letter he sent to Cynthia M. Costigan, 14 Canfield Road, Essex regarding activity within 100 feet of wetlands. J. Budrow recently observed that trees were removed from the property located at 14 Canfield Road and that there is tree debris which was mulched and piled along locations on Canfield Road. The removal of a small number of trees in a wetland area is not a violation of the IWW Regulations, however the storage and/or spreading of tree mulch is. J. Budrow informed the C. Costigan that further spreading of mulch must cease, that the three large piles of mulch must be removed and no further spreading will be permitted.
- **Planning Commission – Liaison Vacancy.** No report.
- **Conservation Commission – Jeffrey Lovelace, Liaison:** J. Lovelace – No report.
- **Zoning Commission – Jim Hill, Liaison:** No report.

Other:

There was no other business.

Adjournment

MOTION made by D. Lapman to adjourn at 7:50 p.m. to the next regularly scheduled IWWC meeting to be held on Tuesday, November 10, 2015 at the Essex Town Hall, 2nd Floor Conference Room A, 29 West Avenue; **MOTION SECONDED** by S. Knauth; **Voting In Favor:** J. Lovelace, J. Hill, B. Cook, D. Lapman, S. Knauth; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary