

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
Vacancy, Planning Liaison
Jeffrey Lovelace, Conservation Liaison
Jim Hill, Zoning Liaison

Alternate Members
Steve Knauth
Jim Leo

Unapproved

Minutes - Regular Meeting
Tuesday, January 13, 2015

Call to Order and Seating of Members

The regularly scheduled meeting of the Essex IWWC was conducted on January 13, 2015 in Conference Room A, of the Essex Town Hall at 7:30 p.m.

Attending Members:

Daniel Lapman
Chuck Corson
Fred Szufnarowski
Jeffrey Lovelace
Jim Hill
Jim Leo

Absent Members:

Nancy Arnold
Steve Knauth

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

Approval of November 11, 2014 Minutes – Regular meeting

The following changes were recommended:

- John Ackerman was in attendance at the November 2014 meeting.
- Fred Szufnarowski was not in attendance at the November 2014 meeting.

MOTION made by C. Corson to approve the November 11, 2014 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.

MOTION made by C. Corson to add 2 items to the Agenda; 1. A request for modification of IWWC Permit on Application #14-12 – Tim Wiswell, property located at 64 Book Hill Road, Essex; 2. A request by Greg Peterson, for modification of previously granted IWWC Permit on Application #12 – 9, property located at 99 Westbrook Road Assessor’s Map 53 Lot 5-1, to extend permission to work in the winter months. **SECONDED** by J, Leo; **Voting In Favor:** C. Corson, J. Hill, J. Leo, J. Lovelace, F. Szufnarowski, D. Lapman; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Old Business

No old business.

New Business

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. Attorney Bennet stated that there have been modest changes to this proposal since the previously approved 2004 IWWC Permit. At this time, environmental remediation is required where coal and wood ash was disposed of in order to comply with the Transfer Act. Those activities will take place in the regulated area as will the construction of the driveway. There will be no significant impact to the wetlands. The State

Highway Department approved this proposal in 2004. Attorney Bennet produced a review letter from the CT State Highway Department dated March 10, 2004.

Susan Marquardt, P.E., from Angus McDonald, Gary Sharpe Associates presented. S. Marquardt stated that the proposed entrance as shown on the plan is the same as it was in 2003. The location of the tank building and the parking area to the east and west was also proposed in 2003. This application went to the CT Department of Transportation (DOT) in 2003 and was approved, and S. Marquardt stated that the applicant will obtain a current approval letter from the CT DOT.

S. Marquardt stated that the environmental remediation area has undergone some changes since the 2003 proposal. There will be some excavation, and clean fill will replace, with rip rap placed on top to the edge of the wetlands. The area of the clearing and excavation will extend from the edge of the existing pavement, to the edge of the wetlands. The sediment and erosion control measures will be via a sandbag coffer dam to keep the area dry during excavation. The fill will be taken off site.

C. Corson stated that it appears that the excavation may be going as deep as four feet and questioned if there would be a need for dewatering.

S. Marquardt stated that this new proposal will include the remediation and in order to do that in the area near the wetlands, rip rap stabilization, etc., will put in place.

C. Corson stated that the rip rap may be better off as a turf reinforcement mat (TRM), noting that if TRM is placed, and grassed over, the aesthetic value will be comparable.

S. Marquardt stated that the applicant hopes to begin work after April 15, 2015.

Sam Haddock, BL Companies presented. S. Haddock stated that he is involved with the environmental issues on the property. The site meets the definition of “establishment” as defined by the CT Transfer Act. The Transfer Act obligation went into effect when Macbeth Ventures, LLC took over the property. Site investigation has been completed and areas of remediation have been reviewed.

Soil remediation took place two years ago outside of the wetlands regulated area. A rail spur and surrounding soil was excavated in 2012 and the soil was positive for arsenic which came from the rail ties. There is one additional location that requires remediation and that is an area associated with the under-pavement rail spur, along with the area behind the building where the ash fill was previously placed. This location has been labeled as “area of concern 3”. The ash fill is not hazardous but does require remediation in order to achieve compliance with the Transfer Act. Remediation involves control of the ash fill outside the limits of the existing pavement and along the bank at the edge of pavement, and along the wetland. The ash fill will be removed down to 4 feet in the areas where pavement is not present.

S. Haddock stated that the material will be hauled off-site however he cannot guarantee that there will not be some need for a temporary stockpile area depending on the moisture of the fill. The temporary stockpile area will be placed in a location in one of the existing paved areas and will be created with a hay bail berm, with 6 or 12 mill poly laid down on the ground, and the soil will be covered daily. There will be no treatment on site and any drainage will be picked up by a sump, pumped into a drum, contained and shipped off site. Where pavement exists the ash will remain in place, encapsulated by the pavement, as allowed by the DEEP Regulations for “inaccessible soil”. S. Haddock stated that he does not anticipate significant de-watering as the water table is shallow. The ground water quality on site meets ground water standards to meet remediation.

MOTION made by D. Lapman to conduct A site walk on behalf of Macbeth Ventures, LLC, property located at 6 Main St., Centerbrook on Saturday, January 17, 2015 at 10:00 a.m.

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

Other Business

- Robert Doane, P.E. presented on behalf of Application 14-12 Tim Wiswell, 64 Book Hill Road, Essex. R. Doane is seeking modification of the IWWC permit which was issued in November 2014 to construct a garage and a guest house. The wetlands review area ran along the guest house and the sanitary system.

R. Doane stated that the applicant would like to re-route the power lines, per the suggestion of CL&P, who recommended that Mr. Wiswell install a transformer and install the power lines underground. R. Doane stated that the trench will be 3 feet in width and 2 ½ feet deep which will accommodate the placement of the power conduit.

MOTION made by D. Lapman to approve the modification to IWWC Permit on Application #14-12 – Tim Wiswell, property located at 64 Book Hill Road, Essex. This is a previous application to build an accessory building and install a septic system in an upland area of a wetland area. The modification is for the placement of a trench which will be 3 feet in width and 2 ½ feet deep which will accommodate the placement of the power conduit. The modification is approved in accordance with the plan submitted at the January 13, 2015 meeting entitled: “Timothy Wiswell, dated 7/1/14”, and includes the modifications reflected on the plan in pink marker; **SECONDED** by F. Szufnarowski; **Voting In Favor:** D. Lapman, C. Corson, J. Lovelace, J. Hill, J. Leo, F. Szufnarowski; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0

- Greg Peterson received approval on May 8, 2012 for a wetlands permit. G. Peterson recently performed additional work on the property and he is requesting permission to begin construction during the non-regulated months. G. Peterson stated that there will be no construction in the regulated area.

C. Corson questioned if the small building on the property is located within the wetlands regulated area. The small building was not listed on the original application and C. Corson suggested that G.

Peterson make a determination if the building is within 100 feet of the wetlands before he demolishes it.

MOTION made by C. Corson to modify the permit on behalf of **Application #12-9, Greg Peterson, property located at 99 Westbrook Road, Essex** for an extension of time for work to be conducted during the winter months. This is a previous application for the construction of a 35' x 80' structure and septic system. Extension of time to perform the work is granted providing the applicant works only within the front of the building, in the front of the property; **SECONDED** by J. Lovelace; **Voting In Favor:** D. Lapman, C. Corson, J. Lovelace, J. Hill, J. Leo, F. Szufnarowski; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

- **Election of Officers:**

MOTION made by C. Corson to maintain D. Lapman as the IWWC Chair; **SECONDED** by J. Lovelace; **Voting In Favor:** D. Lapman, C. Corson, J. Lovelace, J. Hill, J. Leo, F. Szufnarowski; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

MOTION made by D. Lapman to maintain C. Corson as the IWWC Vice Chair; **SECONDED** by J. Lovelace; **Voting In Favor:** D. Lapman, C. Corson, J. Lovelace, J. Hill, J. Leo, F. Szufnarowski; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

- **Approval of 2015 Meeting Calendar**

MOTION made by C. Corson to approve the 2015 meeting calendar as presented; **SECONDED** by F. Szufnarowski; **Voting In Favor:** D. Lapman, C. Corson, J. Lovelace, J. Hill, J. Leo, F. Szufnarowski; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Correspondence and Invoices

There was no correspondence

There were no invoices.

Wetlands Agent Report - Joseph Budrow – No report.

Chairman Report – Daniel Lapman: No report.

Vice Chair – Chuck Corson reported that he attended the Freedom of Information meeting on January 12, 2015 at the Essex Town Hall. Mr. Corson stated that there is to be no discussion related to proposal before the specific Commissions outside of a Commission meeting.

Planning Commission – No report.

Conservation Commission – Jeffrey Lovelace:

Mr. Lovelace reported that there was a Conservation Commission meeting on December 4, 2014 which was open to public comment. Forty five residents attended, offering to donate time and money to fund alternatives to the beaver issue. In light of public concern, the Conservation

Commission contracted with Beaver Solutions of South Hampton, MA to conduct a feasibility study. The Essex Town Engineer and Essex Public Works were invited to review the Wollocks pond area and subsequent beaver damage. At the January 15, 2015 Special Meeting of the Conservation Commission, the recommendation put forward by Beaver Solutions will be presented to by the Commission. Mr. Lovelace noted that the Essex Park and Rec Commission voted at their November 2014 meeting in favor of the action of the Conservation Commission as related to the eradication of the beavers.

Zoning Commission – Jim Hill reported that a meeting was conducted between the Essex Zoning Commission and the Essex Planning Commission who is looking to revisit the Plan of Conservation and Development (POCD) with the emphasis on a better establishment of the business areas within the Town. The Planning Commission urged the Zoning Commission to implement the zoning regulations to redefine business areas.

Adjournment

MOTION made by D. Lapman to adjourn at 8:15 p.m. to the next regularly scheduled IWWC meeting to be held on Tuesday, February 10, 2015 at the Essex Town Hall, 2nd Floor Conference Room A, 29 West Avenue at 7:30 p.m.; **SECONDED** by C. Corson; **Voting In Favor:** C. Corson, N. Arnold, J. Lovelace, J. Hill, J. Leo, F. Szufnarowski; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary