

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**  
*Fred Szufnarowski*  
*Jim Leo*  
*Jeffrey Lovelace, Conservation Liaison*  
*Jim Hill, Zoning Liaison*  
*Vacancy, Planning Liaison*

**Alternate Members**  
*Bill Cook*  
*Steve Knauth*

Unapproved

**Minutes - Regular Meeting**  
**Tuesday, August 11, 2015**

**Call to Order and Seating of Members**

The regularly scheduled meeting of the Essex IWWC was conducted on August 11, 2015 in Conference Room A, of the Essex Town Hall at 7:00 p.m.

**Attending Members:**

Daniel Lapman  
Charles Corson  
Jeffrey Lovelace  
Fred Szufnarowski  
Jim Hill  
Steve Knauth, Alternate  
Bill Cook, Alternate

**Absent Members:**

Jim Leo

**Staff:**

Stella Beaudoin, Recording Clerk

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

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

**Approval of June 9, 2015 Regular Meeting Minutes**

**MOTION** made by F Szufnarowski to approve the June 9, 2015 Minutes with the following amendments; Page 3, “Administrative Permit 15A-2, Butler Construction, 1 Primrose Ledge, to replace *an* above-ground propane tank with a *500 gallon* underground tank”; Page 3, to read, “who will utilize their hoses and equipment to assist with drainage work to clear a concrete pipe in Quarry pond”; **SECONDED** by S. Knauth; **Voting In Favor:** J. Lovelace, J. Hill, F. Szufnarowski, D. Lapman, S. Knauth; **Opposed:** None; **Abstaining:** C. Corson; **Approved:** 5/0/1.

### **REGULAR MEETING**

- **Application 15-6 – Bill Beccaro, 12 New City Street, Assessor’s Map 28 Lot 51.** This is an application to allow a concrete encasement to be located within a storm water drainage pit and to allow the completed structure to be buried and the drainage pit to be filled with soil.

The Town of Essex has directed a brook to run along the rear property line of this parcel, from west to east. The brook enters the property from the neighboring lot to the west. From an underground pipe, the brook enters a large, open pit that is lined with rip rap. The pit has an outbound pipe that is underground. This outbound pipe resurfaces at the southeast corner of the lot to a swale that leads eastward to North Cove. The drainage pit straddles two parcels.

Bill Beccaro presented on behalf of Gloria Beccaro, property owner of 12 New City Street. B. Beccaro stated that he wishes to create a concrete encasement structure to house pipes that are used for stormwater flow to another underground pipe. The pit will be filled and the concrete enclosure will be buried, and a lid placed on top of the structure to allow accessibility for occasional clean-out of the structure.

In January, 2015 a neighbor contacted J. Budrow, Wetlands Enforcement Agent regarding activity in the area of the pit. J. Budrow visited the site observed the construction project which was then placed on hold until such time that Robert Doane, P.E., Town Engineer could visit the site. A meeting was held on site with R. Doane, B. Beccaro and J. Budrow at which time the applicant was advised that an application was required to be made to the IWWC, accompanied by construction sketches.

Robert Doane, P.E. stated that he visited the site twice. Once with J. Budrow and then with Dave Caroline, Essex Public Works Foreman, to discuss concerns related to the maintenance. R. Doane stated that the structure is appropriate and it eliminates a hazard and it can be maintained. R. Doane stated that the Town should have access to the structure. R. Doane stated that the important issue which is being addressed with this proposal is the elimination of the sump and the elimination of the hazard presented by the existing exterior pipes.

B. Beccaro stated that although he is funding this project at his own expense, he is happy to allow the Town access whenever needed. B. Beccaro stated that there will be easily removable grates placed over the top of the structure and the area will be backfilled around to bring it up to grade, then seeded and grassed.

**MOTION** made by Fred Szufnarowski to approve a Permit for **Application 15-6 – Bill Beccaro, 12 New City Street, Assessor’s Map 28 Lot 51.** This is an application to allow a concrete encasement to

be located within a storm water drainage pit and to allow the completed structure to be buried and the drainage pit to be filled with soil. 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 15<sup>th</sup> and October 15<sup>th</sup> of the year of initiation.
- b. 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 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 Town reserves the option to enter the property to maintain the pipe.

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

- **Application 5-7 on behalf of George and Valerie Washburn, 8 Bracket Lane, Assessor's Map 41, Lot 13.** This is an application to allow for the excavation and removal of sediment that has settled within the Falls River.

This entire parcel abuts the Falls River and Falls River Pond. There is an accessory building on the property which was constructed along the river bank and has a sluiceway running under it.

George Washburn presented on behalf of this application. G. Washburn distributed a photo of the property which reflects the sediment build in the channel of the Falls River. G. Washburn stated that the sediment build up is impeding the flow of the Falls River. G. Washburn stated that he would like to excavate 20 cubic yards of material, implementing sedimentation and erosion control measures in-process, which will be monitored during the activity. G. Washburn stated that the excavated material will be relocated in the upland area on the other side of the property, near Mitchell Terrace.

Prior to making application to the IWWC, G. Washburn has previously removed 4 yards of materials. In a discussion with J. Budrow, it was determined that G. Washburn would be required to present before the IWWC, and G. Washburn ceased further excavation.

C. Corson advised that this activity could require Army Corps of Engineers and CT DEEP permitting. C. Corson stated that this is something that alters the original condition of the river and a change that will alter the way the river flows and it should be corrected.

G. Washburn stated that this is routine maintenance.

**MOTION** made by Chuck Corson to approve a Permit for **Application 15-7** on behalf of **George and Valerie Washburn, 8 Bracket Lane, Assessor's Map 41, Lot 13**. This is an application allow for the excavation and removal of sediment that has settled within the Falls River. 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 inlands 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 15<sup>th</sup> and October 15<sup>th</sup> of the year of initiation.
- b. 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 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 look obtaining permission and permitting from Army Corps of Engineers and the CT DEEP.

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

- **Application 15-8 on behalf of the Town of Essex**, Book Hill Road project. This is an application to allow the repair of a section of Book Hill Road to improve drainage.

R Doane presented on behalf of this application. There is a section of pavement that has deteriorated on this property which is situated on the Deep River/Essex Town line. R. Doane proposes to take out a portion of road base, replace it and repave it. R. Doane stated that the water will continue to slowly flow on the west and the east side, draining down toward Pratt Cove, which is the tidal wetlands in Deep River.

C. Corson suggested the installation of a shallow drain on the side of the road which would catch the flow and keep the subgrade dry.

Dave Caroline, Foreman Public Works Department will begin this maintenance project as soon as possible and proposed to have it re-paved prior to the end of September 2015.

**MOTION** made by Fred Szufnarowski to approve a Permit for **Application 15-8 on behalf of the Town of Essex**, Book Hill Road project. This is an application to allow the repair of a section of Book Hill Road to improve drainage. 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 15<sup>th</sup> and October 15<sup>th</sup> of the year of initiation.
- b. 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 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. Should construction need to be extended beyond October 15, 2015, the sediment and erosion fencing will be installed and reinforced with hay bails or wire.

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

- **Application 15-9 on behalf of the Town of Essex, 18 Industrial Park Road project.** This is an application to allow for the installation of underdrains below Industrial Park Road that will improve ground water drainage to flow to an existing catch basin.

R. Doane Presented on behalf of this application. R. Doane stated that a spring broke at Industrial Park Road and the resulting area of pavement that was damaged will be cut-out and the road base will be taken out, going down to the original base. An underdrain system will be installed to drain at end of Industrial Park Road which will eventually flow into the Mud River. R. Doane stated that the ditch that runs between the cemetery and Industrial Park Road is a wetland. The pavement can be repaired if the undrain is installed with stone and fabric on top, then process, then pavement. The north side of the excavation matches the south side of the pavement patch.

**MOTION** made by Fred Szufnarowski to approve a Permit for **Application 15-9 on behalf of the Town of Essex, 18 Industrial Park Road project.** This is an application to allow for the installation of underdrains below Industrial Park Road that will improve ground water drainage to flow to an existing catch basin. 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 15<sup>th</sup> and October 15<sup>th</sup> of the year of initiation.
- b. 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 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. Should construction need to be extended beyond October 15, 2015, the applicant the engineer will meet with J. Budrow, Wetlands Enforcement Agent and discuss a plan to proceed. If at that time J. Budrow deems it necessary, the applicant will present an application to the IWWC.

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

- **Application 15-10 on behalf of the Town of Essex, Ivory Street Project.** This is an application to allow for the removal of two existing Ivory Street, road bridges and to allow the construction of two replacement bridges with wingwalls.

A site walk will be conducted on August 17, 2015 at 5:00 p.m. Members will meet at the site.

- **Application 15-11 on behalf of Kate McSpadden, 26 Hemlock Drive, Assessor's Map 73, Lot 1.** This is an application to allow an embankment along South Cove to be landscaped and to allow a stone staircase to be constructed into same embankment. Also to allow the planting of trees and an establishment of a lawn within 100-foot upland review area.

In January 2015, the IWWC approved a Permit for a deck replacement, a new septic location and a detached garage to be located within 100 feet of the Cove. The deck was recently constructed and the last piece of the property redevelopment is a landscaping plan. Much of the plan is within 100 feet of the Cove and the landscaping is proposed to begin at the headwall and continue up to the front yard.

The property is a .63 acre parcel with a single family home. The property starts at road level grade and then gradually slopes down toward South Cove. A few feet from a headwall the property drops off sharply.

In January 2015 the Commission approved a deck replacement, new septic location and a detached garage to be located within 100 feet of the Cove. The deck recently was rebuilt. The last piece of the property redevelopment is a landscaping plan. Much of the plan is within 100 feet of the Cove. The landscaping would start at the headwall and continue up to the front yard.

Anne Penniman, landscape architect presented. A. Penniman stated that this is a proposal to add a set of stone steps and a native vegetation buffer above the existing concrete. There is an existing dock and a landing which are seven feet below the level of the proposed lawn area and the proposed lawn area is located below a previously permitted deck. The site plan shows the upland review area that is 100 feet from a concrete retaining wall. A. Penniman stated that she is proposing the installation of shrubs, perennials and trees and some lawn area. The driveway will be moved upland within the 100 foot coastal jurisdiction area and the driveway area will be 615 s/f which is a dramatic reduction from the previous. A set of solid stone steps will be installed which lead down the embankment to the existing dock. A. Penniman stated that she will vegetate the slope with native species which will serve to hold the slope and prevent erosion.

C. Corson stated that any activity within the 100 foot regulated area is to be completed prior to the October 15<sup>th</sup> IWWC restriction. C. Corson stated that the entire site up to the 100 foot line needs to be either stabilized or completed by the 15<sup>th</sup> of October. The enforcement officer will check the site for stabilization measures

**MOTION** made by Fred Szufnarowski to approve a Permit for **Application 15-11 on behalf of the Kate McSpadden, 26 Hemlock Drive.** This is an application to allow an embankment along South

Cove to be landscaped and to allow a stone staircase to be constructed into same embankment. Also to allow the planting of trees and an establishment of a lawn within the 100-foot upland review area. 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 15<sup>th</sup> and October 15<sup>th</sup> of the year of initiation.
- b. 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 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. Any activity within the 100 foot regulated area is to be completed prior to the October 15<sup>th</sup> IWWC restriction. The entire site up to the 100 foot line needs to be either stabilized or completed by the 15<sup>th</sup> of October. The enforcement officer will check the site for stabilization measures

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

#### **Correspondence and Invoices**

- A letter from J. Budrow 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 and that the three large piles of mulch must be removed and no further spreading will be permitted. J. Budrow will inspect the property again on July 28, 2015 and if he determines that further spreading has occurred, the property owner will receive a Notice of Violation.

- There were no invoices.

### **Wetlands Agent Report - Joseph Budrow**

In an email from J Budrow, he reported that he has been working with an Eagle Scout on a bridge project. The Eagle Scout previously proposed a design that was pointing him at a Commission appearance, however he missed the deadline for the August meeting. The construction of the foot bridge is to occur prior to the onset of the school year, so he has redesigned the bridge to one for which J. Budrow will issue an administrative permit. J. Budrow previously sent the design via email to the Commissioners.

The original design called for a mid-span footing that was in the middle of the creek that borders Comstock Field. The new design eliminated that mid-span footing. The new design now proposes the shoreline footings and beefed-up span supports. This bridge is proposed to be much longer than the little bridge at Viney Hill Brook, however J. Budrow stated that providing no structural supports go into the flow-way, he will issue an IWWC administrative permit.

Jeff Furtney presented on behalf of this proposal. J. Furtney stated that he is assisting Daniel Ryan, Eagle Scout who wants to construct a bridge over a drainage ditch in the area of the ball field in Ivoryton.

F. Szufnarowski stated that the proposed 32-foot span is an extensive structure.

J. Furtney stated that the span does not need to be that long.

C. Corson suggested that a formal application come before the IWWC.

A site walk will be conducted on Monday, August 17, 2015 at 5:20pm. Members will meet onsite.

#### **- Chair Report – Daniel Lapman:**

- D. Lapman reported that he will not be at the September 8, 2015 meeting and requested that F. Szufnarowski serve as acting Chair for that meeting.
- D. Lapman commented on Chuck Corson's resignation noting that this will be Chuck's last IWWC meeting. D. Lapman stated that C. Corson has served on the IWWC for 20+ years and that the Commission could always count on Chuck to step up. Chuck's hard work, wisdom and expertise for the IWWC is appreciated and he will be missed.
- C. Corson recommended F. Szufnarowski to serve as his successor, Vice Chairman of the IWWC.
- F. Szufnarowski recognized Chuck's outstanding service, expertise, example and mentoring to the Commission, and stated that Chuck's presence will be missed.

#### **- Planning Commission – Liaison Vacancy.** No report.

#### **- Conservation Commission – Jeffrey Lovelace, Liaison:**

- J. Lovelace reported that there has been an increase in beaver activity within Quarry Pond and the beaver lodge is twice the size it was last fall, and a second lodge has been created. The main drain pipe is completely clogged. The pond is 24 inches over where it normally should be.

Conservation Commissioners are investigating different options to keep the flow going and will be working with Beaver Solutions, LLC.

- **Zoning Commission – Jim Hill, Liaison:** No report.

**Other:**

There was no other business.

**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, September 8, 2015 at the Essex Town Hall, 2<sup>nd</sup> Floor Conference Room A, 29 West Avenue; **MOTION SECONDED** by C. Corson; **Voting In Favor:** D. Lapman, F. Szufnarowski, J. Lovelace, S. Knauth, J. Hill, C. Corson; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Respectfully submitted,

Stella C. Beaudoin  
Recording Secretary