

Unapproved

TOWN OF ESSEX

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

MINUTES – Regular Meeting

November 13, 2012

Call to Order and Seating of Members

The regularly scheduled meeting of the Essex IWWC was conducted on November 13, 2012 in the Conference Room A, of the Essex Town Hall at 7:30 p.m.

Present: Vice Chair, Chuck Corson, Nancy Arnold, Fred Szufnarowski, Steve Knauth, alternate, Claire Tiernan, Planning Commission Liaison and Jeff Lovelace, Conservation Commission liaison.

Absent: Daniel Lapman, Chair and Jim Leo, alternate.

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

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

Approval of Minutes – October 13, 2012

The following change noted in italics was suggested:

Page 4 of 5; “Mr. Corson stated that when the restoration takes place, further remediation *will probably* be done in the wetlands on the property”

Motion made by Nancy Arnold to approve Minutes of the October 2012 meeting as amended.

Motion seconded by Claire Tiernan; **Voting In Favor:** C. Tiernan, C. Corson, N. Arnold, F. Szufnarowski, S. Knauth and J. Lovelace; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Old Business

Discussion and vote on 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. Budrow stated that the activity that took place was the removal of trees, as per a request from the power company as the trees were hanging over the power lines. During the October 13, 2012 site inspection, it was observed that two stream crossings and some tree clearing was also conducted on the property.

Mr. Rutty stated that the "stream bed" observed by the commissioners is in fact a drain from the street and it is dry 6-8 months of the year, other than when it rains. Mr. Rutty stated that he has maintained that pipe for the past 40 years. There is a small pile of topsoil and small pile of processed gravel. Mr. Rutty stated that he wanted to make a garden on the other side of the property. It was agreed on the site walk that Mr. Rutty would remove the stockpiled material as far away from the wetlands as possible.

Commissioners agreed that there are currently no problems on the site and advised Mr. Rutty that future activity within the regulated area required permission from the IWWC.

Mr. Rutty stated that since the last storm (Sandy), there are several felled trees and he would like to remove them. Mr. Corson stated that this is normal maintenance and it does not require IWWC approval.

Motion made by Nancy Arnold to retroactively approve a Permit for **Application #12-12, Robert Rutty, property located at 43 Pond Meadow Road, Ivoryton, CT, Assessor's Map 62 Lot 11-2** to approve only those activities that are listed on the application. This is a retroactive approval as those activities already took place. Based on the documents presented and on the testimony given at this meeting, 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. No other activities will take place on the property that fall within the regulated wetland area without prior approval from the IWWC. The Commission further approves the movement of the stockpile outside of the regulated area, as viewed on the October 13, 2012 site walk.
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 Jeff Lovelace; **Voting In Favor:** J. Lovelace, C. Corson, N. Arnold, F. Szufnarowski, S. Knauth, and Claire Tiernan; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

New Business

Application #12 – 13 for property located at 13 Novelty Lane, Essex Yacht Club. This is an application for the construction of an 18' x 40' launch building, a 20.2' x 36.5' accessory structure and other site improvements.

Nancy Arnold stated that she is a member of the Essex Yacht Club, however she feels that this will not impair her judgment surrounding this application.

Jeff Lovelace stated that he is a member of the Essex Yacht Club and Mr. Lovelace will abstain from the vote on this application.

Matt White, P.E. presented. Mr. White stated that the main building of the club will undergo renovation to rearrange the interior space and to relocate the walk-in cooler to the north side of the building. The walk-in cooler will be placed on a concrete slab and it

will have a roof over it. Mr. White stated that a 1000-gallon propane will be buried on the north side of the building. A launch building with showers and bathrooms will be situated on the south side of the existing building. The entire site is in a flood zone with elevation 10 and the building is located 50 feet from the CT River. Mr. White proposes to relocate the driveway a few feet north of where it is currently located. The septic system and the entire site is in the flood zone. A 20' x 36' storage shed is proposed within 100-feet of the flood zone with minimal ground disturbance. Mr. White stated that this application has been submitted to the Town Sanitarian.

Mr. Corson stated that he has no problem with the septic being situated in the flood zone. The propane tanks however must be heavily anchored.

Motion made by Fred Szufnarowski to approve a Permit for **Application #12 – 13 for property located at 13 Novelty Lane, Essex Yacht Club** pending the approval from the Town Sanitarian. This is an application for the construction of an 18' x 40' launch building, a 20.2' x 36.5' accessory structure and other site improvements. Based on the documents presented and on the testimony given at this meeting, 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. Approval of this application is contingent on the approval from the town sanitarian. If anything changes with this application, the applicant will present before the IWWC.
2. The propane tank must be anchored against flotation to sustain a water elevation 10.
3. The applicant will seek permission from the IWWC for additional changes which were not included in the Wetlands application.
4. 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.
5. 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.
6. 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.

7. 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; **Voting In Favor:** N. Arnold, C. Corson, F. Szufnarowski, S. Knauth and Claire Tiernan; **Opposed:** None; **Abstaining:** J. Lovelace; **Approved:** 6/0/1.

Other Business

Request for the amendment of **Application 12-2 Sunset Pond, Essex, Assessor's Map 32 Lot 73, Zoning District LI. The owner of record is the Paul Foundation and the applicant is the Town of Essex Park and Recreation Department.**

On March 13, 2012 Jim Godsman and Jeff Paul presented on behalf of this application seeking approval from the IWWC to proceed with this project to revitalize Sunset Pond and the surrounding area. The job was to begin in August 2012 when the ground was at its driest. The regulated activity was for the drag line dredging of Sunset Pond, the removal of dead vegetation around the pond, to construct a berm and to re-seed the area with grass. In July 2011 an IW Permit was granted for partial dredging around the piers based on a conceptual plan presented by the Park and Rec Department.

Jim Godsman presented at this evening's meeting. Mr. Godsman stated that he was not aware of the October 15, 2012 IWWC Permit cut-off date. Mr. Godsman stated that the crane has just arrived on-site. Dave Caroline, Public Works, Director, Ned Libby and Pete Germini, excavato are working with Mr. Godsman.

Mr. Godsman stated that all of the dredge materials will be fill for the banks and at this time he wishes to proceed and to complete the work.

Chuck Corson stated that if the wick drains were installed initially, the area would be dry now. Mr. Corson suggested the placement of a mesh blanket which will protect the bare surface after it has been worked.

Nancy Arnold stated that the IWWC had specifically asked that Mr. Godsman to work around the Cat Tails and they are now gone. Mr. Godsman stated that Ned Libby did remove some of the Cat Tails, however the Cat Tails on the east side of the site remain intact.

Motion made by Nancy Arnold to **amend the Permit approved at the March 13, 2012 IWWC meeting** for **Application 12-2 Sunset Pond, Essex, Assessor's Map 32 Lot 73, Zoning District LI. The owner of record is the Paul Foundation and the applicant is the Town of Essex Park and Recreation Department,** to allow for limited activity after October 15' 2012 to consist of the turning of soil for drainage and the addition of a jute retention mat. There will be no further work after the initial turn and placement of the jute mat takes place, prior to March 15, 2012. The applicant will seek

permission from the IWWC for any additional work which was not previously outlined in the Wetlands application.

Based on the documents presented, on the site inspection and on the testimony given at this meeting, 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. Removal of the trees that are located on top of the berm as opposed to below the berm will be allowed. Those trees should be flagged for review by the Town of Essex.
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 permission is hereby granted for limited activity after October 15, 2012 to consist of the turning of soil for drainage and the addition of a jute retention mat. There will be no further work after the initial turn and placement of the jute mat takes place, prior to March 15, 2012 and all of the proposed work as outlined on the application shall be completed within one year of the date of initiation.
3. Should the applicant determine that the permitted activity will not be completed within the allowed time frame, the applicant agrees to appear before the Commission.
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 Fred Szufnarowski; **Voting In Favor:** F. Szufnarowski, J. Lovelace, C. Corson, N. Arnold, S. Knauth, and C. Tiernan; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Correspondence and Invoices

- Invoice from Halloran & Sage in the amount \$1,750.

Motion made by Nancy Arnold to approve the Halloran and Sage invoice in the amount of \$1,750.

Motion seconded by Claire Tiernan; **Voting In Favor:** C. Tiernan, C. Corson, N. Arnold, F. Szufnarowski, S. Knauth and J. Lovelace; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

- Invoice from Hudson and Kilby in the amount of \$45.00.

Motion made by Nancy Arnold to approve the Hudson & Kilby invoice in the amount of \$45.00.

Motion seconded by Claire Tiernan; **Voting In Favor:** C. Tiernan, C. Corson, N. Arnold, F. Szufnarowski, S. Knauth and J. Lovelace; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

- The Habitat – CACIWWC Conference Saturday, November 17, 2012. Steve Knauth will attend.

Wetlands Agent Report:

- Mr. Budrow stated that there is a new public act in which it is noted that the high tide line is now the coastal jurisdiction line. A brief discussion ensued on the IWWC regulations and Ms. Arnold stated that Attorney Hudson should be consulted to weigh-in on the issue of jurisdiction within tidal wetlands in conjunction with the IWWC regulations.
- Mr. Budrow stated December 4, 2012, 4:00 p.m. the Town of Essex will conduct their annual holiday party at Griswold Inn.

Chairman Report: Daniel Lapman – no report.

Planning Commission:

- Claire Tiernan reported that there was no quorum at the October 2012 Planning Commission meeting.

Conservation Commission:

- Jeff Lovelace reported that the trails within Bushy Hill Park, Viney Hill Brook Park and Canfield Meadow Woods sustained minimal damage as a result of storm sandy. The Essex Park and Recreation Department will conduct a Turkey Trot and Plunge on November 17, 2012

Zoning Commission: - no report.

Adjournment

Motion made by Steve Knauth to adjourn at 8:32 p.m. to the next regularly scheduled meeting to be held on Tuesday, December 1, 2012 at the Essex Town Hall, 2nd floor conference room A, 29 West Avenue at 7:30 p.m.

Motion seconded by Fred Szufnarowski; **Voting In Favor:** F. Szufnarowski, C. Tiernan, C. Corson, N. Arnold, S. Knauth and J. Lovelace; **Opposed:** None; **Abstaining:** None; **Approved:** 6/0/0.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary

The audio proceedings of the November 13, 2012 IWWC meeting were recorded on 1 card.
Please speak with the Essex Zoning Office for further information.