

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**  
*Nancy Arnold*  
*Fred Szyfmarowski*  
*John Ackerman, Planning*  
*Jeffrey Lovelace, Conservation*  
*Jim Hill, Zoning Liaison*

**Alternate Members**  
*Steve Knauth*  
*Jim Leo*

**Unapproved**

**Minutes - Regular Meeting**  
**Tuesday, November 10, 2014**

**Call to Order and Seating of Members**

The regularly scheduled meeting of the Essex IWWC was conducted on November 10, 2014 in Conference Room A, of the Essex Town Hall at 7:30 p.m.

**Attending Members:**

Daniel Lapman  
Chuck Corson  
John Ackerman  
Jeffrey Lovelace  
Jim Hill

**Absent Members:**

John Ackerman  
Nancy Arnold  
Steve Knauth  
Jim Leo

**Staff:**

Joe Budrow, Wetlands Enforcement Agent

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

**Approval of October 14, 2014 Minutes – Regular meeting**

**MOTION** made by C. Corson to approve the October 14, 2014 Minutes as presented;  
**SECONDED** by J. Lovelace; **Voting In Favor:** C. Corson, J. Hill, J. Lovelace, J. Ackerman, D. Lapman; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

**Regular Meeting**

**Application #14-6** – Robert and Pamela Kolp, 24 Cove Rest Pentway, Essex. This is an application to relocate an existing storm drain to outflow onto the applicant's property and to replace existing

stairs and walkway that lead to a dock. This application is continued from the IWWC August 12, 2014 regularly scheduled meeting.

**MOTION** made by C. Corson to approve the October 25, 2014 Site Walk Minutes for 24 Cove Rest Pentway, Essex as presented; **SECONDED** by J. Ackerman; **Voting In Favor:** C. Corson, J. Hill, J. Lovelace, J. Ackerman, D. Lapman; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

Matthew White, Angus McDonald, Gary Sharpe Associates presented. This proposal was continued from the October 2014 IWWC meeting and a site walk was conducted on October 25, 2014. Mr. White presented a detailed plan based on the recommendations made at the meeting and the site walk. The outlet is detailed and Mr. White indicated that the new plan reflects a 6" PVC pipe which will outlet into a 24" perforated riser that is surrounded with crushed stone. Filter fabric will be placed and a layer of stone dust and pavers will be placed on top of the filter fabric with a cover over the top of the riser. Lines have also been added to the revised plans which outline the proposed placement steps. The shaded area around the 24 inch vertical pipes reflects where the stone surrounds.

Mr. Corson suggested that filter fabric be placed under and around the 24 inch vertical pipe.

Mr. White asked that the Commission allow work to be conducted outside of the regulated months as the area of disturbance is limited and most of the activity will accomplished via hand work. The disturbance will be very minimal.

Mr. Rober Kolp stated that he would like to place the gravel and install the riser and outlet pipe as soon as possible, however delay the installation of the stairs until March.

Michelle Moresca Esq., Robinson and Cole, LLC commented on a Superior Court law suit that has recently been settled. Attorney Moresca presented a settlement agreement in the matter between Picard vs. Kolp. Mr. Lapman requested a copy of the settlement agreement for the record. Attorney Moresca indicated that the Picard's will not oppose this application.

**MOTION** made by C. Corson to approve a Permit for **Application 14-6** – Robert and Pamela Kolp, 24 Cove Rest Pentway, Essex. This is an application to relocate an existing storm drain to outflow onto applicant's property and to replace existing stairs and walkway that lead to a dock. Based on the documents presented and on the testimony given at this meeting, the site walk, 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:

1. 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. Permission is hereby granted to begin work in November 2014. The applicant will speak with the Wetlands Agent to determine the start date based on the legal notice and appeal period.
2. The applicant agrees to work with the zoning enforcement officer and present a plan for the stabilization of the site during the non-permitted months.
3. 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.
4. The Commission, through its Enforcement Officer, shall be notified in writing prior to the initiation of the authorized activity and again upon completion of these activities.

**SECONDED** by J. Ackerman; **Voting In Favor:** C. Corson, J. Hill, J. Lovelace, J. Ackerman, D. Lapman; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

**Application #14-12 – Tim Wiswell**, property located at 64 Book Hill Road, Essex. This is an application to build an accessory building and install a septic system in an upland area of a wetland area. The activity is just over 100 feet from the wetland but the existing slope is a concern.

Robert Doane, P.E., presented on behalf of this application. This is a 35-acre parcel off of Book Hill and off of Canfield Hill Woods on which there is an existing house, a swimming pool and a wetland area. The applicant wishes to construct a 2-bedroom guest house on this property. A sanitary system will be installed for the guest house and a garage will be constructed off of the existing turn-around. The location of the sanitary system was determined by test holes. Because there is quite a bit of ledge and the property slopes toward the wetland area, Rich Snarski, soil scientist flagged the wetlands. Mr. Doane indicated that a 100 foot wetland area from the swale and from the wetlands was established and the proposed activity is outside of those areas.

There is a woods road cart path which was the access for the maintenance of the swimming pool and which will be the access for the installation of the sanitary system. There is no vehicular access proposed to the guest house except during construction. There will not be any grading in that area, but the silt fence will preserve the wooded, non-gravel roadway.

Mr. Lovelace questioned the access for the septic pump-out of the guest house.

Mr. Doane stated that the cart path that goes to the pool will be the access for the pump-out.

Mr. Budrow stated that the sanitarian has approved the septic system. Mr. Lapman asked to have the written approval from the sanitarian placed in the file.

Mr. Doane stated that construction is scheduled to begin in the spring 2015.

**MOTION** made by C. Corson to approve a Permit for **Application #14-12 – Tim Wiswell**, property located at 64 Book Hill Road, Essex. This is an application to build an accessory building and install a septic system in an upland area of a wetland area. 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:

1. 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.
2. 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 work with the zoning enforcement officer and present a plan for the stabilization of the site during the non-permitted months.
3. 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.
4. 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 J. Lovelace; **Voting In Favor:** C. Corson, J. Hill, J. Lovelace, J. Ackerman, D. Lapman; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

**Application No. 14-13 – Paige Lescure and Robert Edmonds**, property located at 36 Mack Lane, Essex. This is an application to install a new septic system and drill a well within 100 feet of Middle Cove.

Paul Riggio, Riggio & Sons Construction presented. There is a public access-way to this property owned by the Town of Essex and deeded as an easement, and the Essex Harbor Commission has one foot of access-way and a dock. The original owners gave the Town the property with the understanding that they would maintain the drainage and septic easement under the property. There is an old well under the porch and the Essex Sanitarian thought it would be prudent to relocate the well outside of the porch area. The septic system which is situated within the public access-way will be upgraded. Mr. Riggio stated that the Harbor Commission would like the access-way to the water to be available to the public in the spring and as such he would like to begin the restricted activity as soon as possible. Most of the lot is within the 100 foot setback.

Mr. Riggio stated that with regard to the configuration of the erosion control, he will put a string through elevation 9 and wrap around the system. The same plan will follow the installation of the well.

**MOTION** made by J. Lovelace to approve a Permit for **Application No. 14-13 – Paige Lescure and Robert Edmonds**, property located at 36 Mack Lane, Essex. This is an application to install a new septic system and drill a well within 100 feet of Middle 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 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:*

1. 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. Permission is hereby granted to begin work during the winter of 2014. The applicant will speak with the Wetlands Agent to determine the start date based on the legal notice and appeal period.
2. The applicant agrees to work with the zoning enforcement officer and present a plan for the stabilization of the site during the non-permitted months.
3. 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.

4. 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 J. Ackerman; **Voting In Favor:** C. Corson, J. Hill, J. Lovelace, J. Ackerman, D. Lapman; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

#### **Other Business**

Approval of site walk Minutes of October 25, 2014, 28 South Main Street, Middle Cove Condominium, Essex.

**MOTION** made by D. Lapman to approve the Minutes from the site walk on October 25, 2014 at 10:30 a.m. on behalf of 27 South Main Street, Middle Cove Condominium **SECONDED** by C. Corson; **Voting In Favor:** C. Corson, J. Hill, J. Lovelace, J. Ackerman, 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**

Mr. Budrow reported that he spoke with Attorney Hudson who will assist with the modification of the IWWC regulations. The collaboration will begin in February 2015.

Mr. Budrow reported that he signed the Certificate of Occupancy on the Picard property in the area of Cove Rest Pentway. Mr. Budrow noted that the property is surrounded by rip rap and Mr. Budrow contacted the DEEP who determined that Mr. Picard is in violation. Mr. Budrow will provide members with copies of the violation and Mr. Picard will make application to the IWWC for a Permit for the regulated activity.

**Chairman Report – Daniel Lapman:** No report.

**Planning Commission – John Ackerman:** No report.

**Conservation Commission – Jeffrey Lovelace:**

Mr. Lovelace reported that all three Preserves are in good shape. Mr. Lovelace noted that there is extensive beaver damage in Viney Hill Brook Park.

**Zoning Commission – Jim Hill:**

Mr. Hill reported that Zoning continues to review the sign regulation.

**Adjournment**

**MOTION** made by D. Lapman to adjourn at 8:30 p.m. to the next regularly scheduled IWWC meeting to be held on Monday, December 9, 2014 at the Essex Town Hall, 2<sup>nd</sup> Floor Conference Room A, 29 West Avenue at 7:30 p.m.; **SECONDED** by F. Szufnarowski; **Voting In Favor:** C. Corson, J. Hill, J. Lovelace, J. Ackerman, D. Lapman; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0.

Respectfully submitted,

Stella C. Beaudoin  
Recording Secretary